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Supreme Court, U.S.
FILED
JUL 7 1987
JOSEPH F. SPANIOL, JR.
CLERK

87-279

No. _____

****

In the

Supreme Court of the United States

October Term, 1987

****

EMILY RUTH BALLINGER,

Petitioner,

vs.

NORTH CAROLINA
AGRICULTURAL EXTENSION SERVICE, et al.,

Respondents.

****

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

VOLUME III OF III

****

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ATTACHMENT 14
NORTH CAROLINA
AGRICULTURAL EXTENSION SERVICE
COUNTY EXTENSION CHAIRMEN SINCE 1974

Listed by Counties.

Persons who APPLIED are Listed under County.

Indications:

Person named CHAIRMAN is marked by an ASTERISK (*) after name.

Persons INTERVIEWED by Board of County Commissioners for Position BUT NOT APPOINTED are marked by a DOUBLE ASTERISK (**) after name.

Persons who applied but were neither appointed nor interviewed are marked by a triple asterisk (***) after name.

When only one applicant is listed under a county, there were no other applicants.

Name	Race	Sex	DOB	Deg	Age When Applied	Equiv Exper
Year Appointed Chairman: 1974. County: Wilkes						
H. M. Ramseur*	W	M	4/24/31	BS	43	17
M. B. Wright***	W	M	4/5/21		53	21
Year Appointed Chairman: 1974. County: Northampton						
E. J. Long*	W	M	2/23/44	BS	40	20
Fred Belfield***	B	M	11/23/35		39	13
Doug Eason***	W	M	7/19/33		41	18
Year Appointed Chairman: 1974. County: Caswell						
M. C. Small	W	M	3/17/42	MS	32	9
Year Appointed Chairman: 1974. County: Alexander						
B. G. Westbrook*	W	M	4/7/33	MS	41	18
Roger Hyatt**	W	M	10/10/33		41	16
Kenneth Peterson***	W	M	13/3/25		49	17

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1974. County: Burke						
H. L. Miller*	W	M	9/17/32	MS	42	17
R. M. Bowden***	W	M	9/11/23		51	23
Roger Hyatt***	W	M	12/10/33		41	16
Robert Hyatt***	W	M	4/22/34		40	8
Year Appointed Chairman: 1974. County: Pasquotank						
Donald Baker*	W	M	3/17/41	BS	33	6
W. M. Hearn, Sr.***	W	M	9/14/20		54	19
J. R. Vaughn***	W	M	2/2/35		39	10
Harvey Morris***	W	M	3/14/35		39	17
Victor Lynn***	W	M	4/24/37		37	11
Year Appointed Chairman: 1975. County: Columbus						
G. D. McCullen*	W	M	3/10/40	MA	35	9
M. K. Dennis***	W	M	3/26/32		43	18
Harold Lloyd***	W	M	4/12/25		50	21
Harvey Morris***	W	M	3/14/35		40	18
John Spaulding***	B	M	6/13/13		62	30

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1975. County: Martin						
L. L. Allen*	W	M	6/17/38	MS	37	11
R. M. K. Edwards***	B	M	1/28/18		57	29
C. J. Cameron***	W	M	7/28/31		44	12
P. C. Bryant***	W	M	3/22/28		47	21
Year Appointed Chairman: 1975. County: Wayne						
T. S. Godwin*	W	M	2/1/25	MA	50	27
Frank Baker***	W	M	6/3/34		41	16
William Lamm***	W	M	8/21/28		47	22
Wesley Towsend***	W	M	2/14/24		51	22
B. T. McNeill***	B	M	8/23/22	BS	53	25
Year Appointed Chairman: 1975. County: Tyrrell						
Frances S. Voliva*	W	F	6/26/32	BS	43	11
Year Appointed Chairman: 1975. County: Person						
F. J. Rivers*	W	M	6/26/32	BS	43	17
M. B. Wright***	W	M	4/5/21		54	22

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1975.	County: Beaufort					
M. C. Griffin*	W	M	12/25/36	MS	39	11
H. C. Riddick***	W	M	5/22/45		30	7
Jack Cullipher***	W	M	3/27/40		35	5
R. M. Pilch***	W	M	12/29/37		38	9
W. M. Hearn***	W	M	10/25/44		31	6
Gordon Sawyer***	W	M	2/28/39		36	11
Steve Warrick***	W	M	3/29/51		24	2
Gaylon Ambrose***	W	M	10/17/49		26	5
Harvey Morris***	W	M	3/14/35		40	18
Year Appointed Chairman: 1975.	County: Iredell					
Kenneth Vaughn*	W	M	7/15/37	MS	38	15
D. O. Ivey***	B	M	3/17/20		55	34
S. D. Little***	B	M	2/10/22		53	22
Jack Smity, Jr.***	W	M	5/20/29		56	14
Year Appointed Chairman: 1975.	County: Pender					
W. F. Walker*	W	M	7/17/23	MS	52	20
Dan E. Baucom***	W	M	5/14/32		43	19
J. G. Richardson***	W	M	9/6/42		33	11
John Wynne***	W	M	1/16/26		49	25

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1975. County: Stanley						
J. F. Simpson*	W	M	12/7/43	BS	32	9
Carol Baker**	W	F	6/7/31		44	20
Ray Kiser***	W	M	6/19/21		54	22
Year Appointed Chairman: 1975. County: Buncombe						
D. R. Burnette*	W	M	11/19/40	MS	35	11
C. P. Bickford***	W	M	6/15/30		45	11
J. D. Brooks***	W	M	5/28/42		33	9
Nancy Stancil***	W	F	1/8/23		52	14
Robert Hyatt***	W	M	4/22/34		41	9
Year Appointed Chairman: 1975. County: Alamance						
Millis B. Wright*	W	M	4/5/21	BS	54	20
Richard J. Freeman***	W	M	9/1/33		42	16

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1976. County: Johnston						
Bruce Woodard*	W	M	6/2/31	MS	45	23
David Stanaland***	W	M	4/3/42		34	9
Frank Baker**	W	M	6/3/34		42	17
Harold Lloyd***	W	M	4/12/25		51	22
Pieter Westerbeek***	W	M	5/8/38		38	14
H. F. Palmer***	W	M	8/12/22		54	23
James Stephenson***	W	M	1/18/42		34	11
Leroy James**	B	M	4/14/33		43	18
Year Appointed Chairman: 1976. County: Cabarrus						
E. E. Bishop*	W	M	12/20/22	BS	54	26
J. P. Bowles***	W	M	3/10/21		55	29
Year Appointed Chairman: 1976. County: Transylvania						
Robert R. Hyatt*	W	M	4/22/34	ME	42	10
Roger Hyatt***	W	M	12/10/33		43	18
James H. Ray***	W	M	12/2/42		34	11
Dennis Winters***	W	M	4/30/48		28	6
Linda Best***	W	F	4/12/41		35	9

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1976. County: Swain						
C. D. Bunn*	W	M	7/10/30	MS	46	16
Roger Hyatt***	W	M	12/10/33		43	18
Year Appointed Chairman: 1976. County: Brunswick						
R. M. Coleman*	W	M	7/20/42	MS	34	10
Dan E. Baucom***	W	M	5/14/32		44	20
M. K. Dennis***	W	M	3/26/32		44	19
Year Appointed Chairman: 1976. County: Union						
M. C. Howell*	W	M	2/23/41	BS	35	14
P. E. Bazemore***	B	M	4/11/21		55	25
Year Appointed Chairman: 1976. County: Wake						
V. B. Lynn*	W	M	4/24/37	MS	39	13
Year Appointed Chairman: 1976. County: Lincoln						
David Choate*	W	M	1/1/36	BS	40	15
A. L. Smith***	W	M	10/20/39		37	13
Howard Waynick***	W	M	1/9/29		47	17
Year Appointed Chairman: 1976. County: Cumberland						
B. T. McNeill*	B	M	9/23/22	MS	54	28

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1977. County: Greene						
R. A. Hayes*	W	M	9/5/38	BS	49	11
Year Appointed Chairman: 1977. County: Wilson						
C. H. Jernigan*	W	M	1/23/42	ME	35	13
Frank Baker***	W	M	6/3/34		43	18
Year Appointed Chairman: 1977. County: Watauga						
Gene Brewer*	W	M	4/8/42	MS	35	13
Bill Fowler***	W	M	5/26/41		36	11
Year Appointed Chairman: 1977. County: Granville						
Frank Baker*	W	M	6/3/34	MS	43	18
I. W. Murfee***	B	M	4/8/24		53	24
Dorothy Wilkinson***	W	F	8/6/22		55	33
Year Appointed Chairman: 1977. County: Alleghany						
Helen Dosier*	W	F	11/13/39	BS	38	6
William Fowler***	W	M	5/26/41		36	11
Jim Weaver**	W	M	4/10/38		39	15

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1977. County: Mitchell						
David Terrell*	W	M	3/8/30	MS	47	20
Year Appointed Chairman: 1977. County: Bertie						
W. J. Griffin*	W	M	4/20/47	BS	30	8
Year Appointed Chairman: 1977. County: Polk						
O. R. Ammons*	W	M	10/24/46	BS	31	9
Carlos P. Bickford***	W	M	6/15/30		47	13
Judy M. Groff***	W	F	12/21/49		28	7
Year Appointed Chairman: 1978. County: Pitt						
Leroy James *	B	M	4/14/33	MS	45	20
Year Appointed Chairman: 1978. County: Duplin						
Lois Britt*	W	F	9/30/35	MS	43	22
Robert Swain***	W	M	1/2/36		42	12
S. B. Wilson***	W	M	8/3/33		45	19
Year Appointed Chairman: 1978. County: Rowan						
James H. Caudill*	W	M	7/15/37	MS	41	18
Rodney Haines***	W	M	3/10/35		43	12

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1978. County: Wayne						
Wesley Townsend*	W	M	2/14/24	BS	54	27
John H. Wynne***	W	M	1/16/26		52	28
William Lamm***	W	M	8/21/28		50	25
Year Appointed Chairman: 1979. County: Randolph						
Talmadge Baker*	W	M	11/30/33	MS	46	18
Dick Peterson***	W	M	5/17/37		42	11
Drue Trotter***	W	F	12/28/43		36	14
Richard Freeman***	W	M	9/1/33		46	22
Doug Young***	W	M	12/15/24		55	27
Rodney Haines***	W	M	3/10/35		44	13
Year Appointed Chairman: 1979. County: Forsyth						
J. D. Carroll*	W	M	8/6/28	MS	51	27
W. E. Mainous***	W	M	3/28/31		48	25
Worth Gurkin**	W	M	4/1/34		45	23
Al Stanford**	W	M	7/5/34		45	15
Year Appointed Chairman: 1979. County: Yancey						
James Ray*	W	M	12/2/42	MS	37	15
Carlos Bickford***	W	M	6/15/30		49	15
Johnny G. Hensley***	W	M	12/26/50		29	5

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1979.	County: Davie					
W. E. Mainous*	W	M	3/28/31	MS	48	21
Judge A Pierce***	W	M	12/2/36		43	14
Ronnie Thompson***	W	M	10/8/49		30	8
Year Appointed Chairman: 1979.	County: Moore					
C. E. Hammond*	W	M	1/31/40	BS	39	16
Tom Colson***	W	M	8/11/43		36	9
Paul Seabolt***	W	M	4/7/29		50	21
Clarence Cameron***	W	M	7/28/31		48	17
Year Appointed Chairman: 1979.	County: Bladen					
M. K. Dennis*	W	M	3/26/32	MS	47	22
Harvey Morris***	W	M	3/14/35		44	22
Year Appointed Chairman: 1979.	County: Onslow					
Dan Baucom*	W	M	5/14/36	MS	43	23
Charles E. Hammond***	W	M	1/31/40		39	16
Chase Padgett***	W	F	12/29/38		41	16

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1979. County: Warren						
L. C. Cooper*	B	M	2/21/21	BS	40	20
George Koonce***	B	M	1/3/38		41	19
Emily Ballinger***	W	F	12/3/26		53	31
Year Appointed Chairman: 1979. County: Pamlico						
Reginald Piland*	W	M	4/15/48	BS	31	5
Year Appointed Chairman: 1979. County: Caswell						
L. N. Whitt*	W	M	8/20/46	BS	33	6
Donna Pointer***	W	F	5/3/46		33	11
Year Appointed Chairman: 1979. County: New Hanover						
C. E. Lewis*	W	M	10/4/29	Ph.D.	50	16
Thomas Dail***	W	M	12/18/43		36	8
Harvey Morris***	W	M	3/14/35		44	22
James M. Warren***	W	M	12/25/40		39	5
Year Appointed Chairman: 1979. County: Vance						
James D. Stephenson*	W	M	1/18/42	MS	37	14
Phyllis Stainback***	W	F	10/4/37		42	20
Marshall Bowden***	W	M	9/11/23		56	28

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1979. County: Northampton						
E. W. Rogister*	W	M	8/2/33	MS	46	22
Year Appointed Chairman: 1979. County: Jones						
M. C. Small*	W	M	3/17/42	MS	37	14
Charles Hammond***	W	M	1/31/40		39	16
Fletcher Barber***	B	M	11/14/53		26	31
Year Appointed Chairman: 1979. County: Lee						
John Hall*	W	M	6/11/44	BS	35	10
Fay Donnell***	W	F	11/15/48		31	9
Clarence Cameron***	W	M	7/28/31	BS	48	17
Year Appointed Chairman: 1979. County: Robeson						
John Richardson*	W	M	9/6/42	MS	37	15
M. K. Dennis***	W	M	3/26/32		47	22
Year Appointed Chairman: 1979. County: Cleveland						
B. F. Spencer*	W	M	7/27/21	BS	58	31

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1980. County: Buncombe						
George Biddix*	W	M	5/7/34	MS	46	24
J. B. Reeves***	W	M	5/11/51		29	6
Reagon Ammons***	W	M	10/24/46		34	12
Year Appointed Chairman: 1980. County: Nash						
James Stephenson*	W	M	1/18/42	MS	38	15
Fred Belfield***	B	M	11/23/35		45	19
Bryan Page***	W	M	11/28/46		34	9
Year Appointed Chairman: 1980. County: Anson						
Hoover Royals*	B	M	3/26/29	MS	51	24
Year Appointed Chairman: 1980. County: Perquimans						
W. R. Jester*	W	M	5/9/47	MS	33	6
Henry C. Riccick**	W	M	5/22/45		35	12
Kenneth Bateman***	W	M	8/17/50		30	6
Year Appointed Chairman: 1980. County: Hertford						
John W. Dunham*	W	M	12/20/44	BS	36	9
James Daughtry***	W	M	8/26/42		38	10
James E. Wright***	B	M	3/10/29		51	26

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1980.	County: Ashe					
James Carey*	W	M	2/28/48	MS	32	5
Robert F. Breland***	W	M	5/12/37		43	20
Dana Tugman***	W	M	3/31/27		53	17
Year Appointed Chairman: 1980.	County: Vance					
Donald Cobb*	W	M	5/23/53	MS	27	6
Phyllis Stainback***	W	F	10/4/37		43	22
Fred Belfield***	W	M	11/23/35		45	19
Year Appointed Chairman: 1980.	County: McDowell					
James R. Mabe*	W	M	8/31/48	BS	32	10
Year Appointed Chairman: 1980.	County: Cabarrus					
Alvin M. Stanford*	W	M	7/5/34	MS	46	16
William Triplett***	W	M	8/29/44		36	8
Year Appointed Chairman: 1980.	County: Clay					
John Reeves*	W	M	5/11/51	BS	29	6
Year Appointed Chairman: 1980.	County: Avery					
J. M. Pittman*	W	M	2/9/47	MS	33	11
Johnnie Hensley***	W	M	12/26/50		30	6

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1981.	County: Rockingham					
Frank Green*	W	M	3/15/31	ME	50	24
Year Appointed Chairman: 1981.	County: Pamlico					
Fred May*	W	M	10/6/42	BS	39	6
A. Ray Harris***	W	M	1/30/48		33	11
Fred O'Neal***	W	M	3/20/53		28	6
Year Appointed Chairman: 1981.	County: Rutherford					
Eugenia Ware*	W	F	4/27/25	MS	56	31
Steven West***	W	M	8/16/44		37	10
Dewey Hennessee***	W	M	11/20/24		57	10
Year Appointed Chairman: 1981.	County: Chowan					
J. Michael Williams*	W	M	12/1/49	MS	32	5
Henry Riddick***	W	M	5/22/45		36	13
Zackie Harrell***	W	M	2/6/42		39	14
Year Appointed Chairman: 1981.	County: Montgomery					
Roy Reece*	W	M	8/24/38	MS	43	12
James W. Weaver***	W	M	4/10/38		43	19
Junius E. Davis, Jr.***	W	M	8/3/50		31	7

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1981. County: Stokes						
Susan M. Hilton*	W	F	8/2/52	BS	29	7
Patricia Brevard***	W	F	1/21/52		29	5
Year Appointed Chairman: 1981. County: Hoke						
Willie Featherstone*	W	M	11/30/49	MS	32	5
Ellen S. Willis***	W	F	3/19/21		60	22
Year Appointed Chairman: 1981. County: Surry						
Jack Waddell*	W	M	9/25/27	MS	54	28
Ann Tyndall***	W	F	8/9/48		33	9
Charles E. Earnest***	W	M	1/15/30		51	26
Year Appointed Chairman: 1981. County: Jackson						
Jerry McAbee*	W	M	11/18/49	MS	32	5
Johnny Hensley***	W	M	12/26/50		31	7
Vincent Bonaminio***	W	M	5/2/40		41	8
Year Appointed Chairman: 1982. County: Washington						
Sandra C. Brown*	W	F	1/17/42	BS	40	14
James A. Daughtry***	W	M	8/26/42		40	10

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1982.	County: Warren					
Russell King*	W	M	1/12/48	MS	34	8
Emily Ballinger**	W	F	12/3/26		56	34
George Koonce***	B	M	1/3/38		44	22
Year Appointed Chairman: 1982.	County: Hertford					
James Wright*	B	M	3/10/29	BS	53	28
Jane Taylor***	W	F	4/30/37		45	23
Fletcher Lassiter***	W	M	6/15/23		59	19
Year Appointed Chairman: 1982.	County: Chatham					
Carl Outz*	W	M	5/10/32	BS	50	26
Fred Belfield***	B	M	11/23/35		47	20
Year Appointed Chairman: 1982.	County: Edgecombe					
James Pearce*	W	M	8/10/53	BS	29	6
Fred Belfield***	W	M	11/23/35		47	21
John Gibson***	B	M	7/1/44		38	9
Richard Bradley***	W	M	4/13/42		40	15
A. P. Coleman**	W	M	6/16/36		46	20
Year Appointed Chairman: 1982.	County: Graham					
Raymond Norton*	W	M	3/28/46	MS	36	12

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1982. County: Richmond						
Earline Waddell*	W	F	5/4/32	MS	50	20
J. Russell Sikes***	W	M	9/8/51		31	8
Benjamin McCallum***	B	M	1/13/51		31	6
Year Appointed Chairman: 1982. County: Gaston						
Martha Burris*	W	M	9/29/52	MS	31	7
Sue Peck***	W	F	10/6/51		32	8
James Sloop***	W	M	6/26/50		33	11
Gene Gray***	W	M	9/2/33		50	18
Year Appointed Chairman: 1982. County: Greene						
Ray Williams*	W	M	11/3/49	MS	34	10
W. G. Simmons***	W	M	1/3/42		41	7
Marion F. Howell***	W	M	8/14/44		39	7
Mike Regans**	W	M	5/6/46		37	8
Johnnie Jones***	B	M	7/2/44		39	12

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1983. County: Yadkin						
Jack Loudermilk*	W	M	2/27/47	BS	36	11
Warren M. Hearn, Jr.***	W	M	10/25/44		39	14
Everette Hartzog***	W	M	12/14/30		53	22
Olivia S. Simpson***	W	F	1/14/51		32	9
Year Appointed Chairman: 1983. County: Granville						
Mary B. Shurling*	W	F	8/20/37	BS	46	12
Charles Gantt***	W	M	1/20/38		45	18
Johnsie Cunningham***	B	F	11/2/50		33	7
Year Appointed Chairman: 1983. County: Craven						
John W. Dunham*	W	M	12/20/44	BS	39	12
Bryan Page***	W	M	11/28/46		37	13
Stanley Dixon***	W	M	1/2/53		30	8
Year Appointed Chairman: 1983. County: Scotland						
Ann M. Braswell*	W	F	10/26/35	BS	48	16
John Dunham**	W	M	12/20/44		38	11
Clarence Cameron***	W	M	7/28/31		51	20

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1984. County: Orange						
William E. Mainous*	W	M	3/28/31	BS	53	25
Bonnie Davis***	B	F	12/10/25		59	34
Fonrose Gore***	W	F	7/31/36		48	18
Year Appointed Chairman: 1984. County: Davie						
Ronnie W. Thompson*	W	M	10/8/49	BS	35	12
Richard Rhodes***	W	M	12/27/50		34	8
Robert Lopp***	W	M	3/19/48		36	9
Michael Miller**	W	M	3/9/51		33	10
John Brooks***	W	M	5/28/42		42	18
Year Appointed Chairman: 1984. County: Hyde						
John Deweese*	W	M	11/29/53	BS	31	7
Ann Dale***	W	F	9/7/55		29	7
Year Appointed Chairman: 1984. County: Forsyth						
Jerry W. Hardesty*	W	M	8/2/35	ME	49	27
Ann Tyndall***	W	F	8/9/48		36	13
Bryan Page***	W	M	11/28/46		38	13

Name	Race	Sex	DOB	Deg	Age	Exper
Year Appointed Chairman: 1984. County: Rutherford						
G. E. Biddix, Jr.	W	M	5/7/34	MA	50	27
Darrel Conley***	W	M	11/21/50		34	11
Year Appointed Chairman: 1984. County: Clay						
John C. Blair*	W	M	12/26/25	BS	59	22
Dennis Winters***	W	M	4/30/48		36	8
Max M. Lund***	W	M	5/5/25		59	13
Phil Langley***	W	M	5/12/54		30	7

RESPONSE OF DEFENDANT HUGH L. LINER TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

Filed District Court April 30, 1985

1. a. Date of original employment:

January 1, 1958

b. Positions held:

Assistant County Agent

Extension Economist (Instructor,

Assistant Extension

Professor, Associate Extension Professor,

Extension

Professor)

District Program Leader - Agriculture

District Extension Chairman

c. Position in first quarter of 1982:

District Extension Chairman

d. Immediate supervisor:

Dr. Paul Dew

e. Duties: See Attachment 1.

2. Mr. Cooper's retirement decision:

Mr. Cooper visited my office sometime during the week of February 1, 1982 and indicated that he was considering

retirement. His letter of retirement was received February 5, 1982.

3. Notice of Mr. Cooper's retirement to other persons:

The only person I recall advising of Mr. Cooper's decision to retire was Dr. Paul Dew. I first orally advised Dr. Dew of Mr. Cooper's decisions and then forwarded him the memorandum appended as Attachment 2.

4. Documents generated:

I generate numerous documents in the course of my work. These documents relate to my duties which are generally described in Attachment 1.

5. Louisburg meeting:

a. Dr. Paul Dew advised me by telephone that a meeting was scheduled in Louisburg on March 18, 1982. At the grievance hearing in this matter I initially indicated that the Louisburg meeting was on march 11. That date was incorrect. The only meeting was on March

18.

b. March 18, 1982.

c. I did not prepare any papers in advance of this meeting.

d. I received no papers in advance of this meeting.

e. I do not know who planned and organized this meeting.

f. Dr. Chester Black, Dr. Dew, and I attended this meeting. Other persons present, to the best of my recollection, were Jim Harris and a Mr. Killian.

g. Various members of the group indicated that they desired a competent livestock agent be hired. Dr. Black explained the process of filling vacancies. He indicated that if the County Chairman's position were filled from within the current staff, an individual trained in animal science would be hired.

h. I did not prepare any documents after this meeting.

i. I did not receive any documents after this meeting.

6. Contacts with Russell King between January 1 and April 6, 1982:

(1)

a. March 1, 1982

b. Extension office

c. I generated the contact

d. Subject - Extension Chairman vacancy in Warren County

e. no notes

(2)

a. March 23, 1982

b. Dr. Dew's office

c. Dr. Dew

d. Interview

e. My notes are appended as Attachment 3.

(3)

a. March 26 or 29, 1982 telephone call

b. My office - don't know where he was

c. Don't recall

d. Don't recall primary subject.

Mr. King did request that he be permitted to add information to his resume and I agreed to his request.

e. No notes.

(4)

a. April 2, 1982

b. Miss Ballinger's office

c. I generated the contact

d. Presenting two candidates for County Extension Chairman

e. No notes.

(5)

a. April 5, 1982

b. County Commissioners' Room and Extension office in Warrenton

c. County Commissioners and me

d. Interview and appointment for Extension Chairman

e. No notes.

7. Contacts with Emily Ballinger between January 1, and April 6, 1982:

(1)

a. March 1, 1982

b. Extension office

c. I generated the contact

d. Subject - Extension Chairman vacancy in Warren County

e. No notes.

(2)

a. March 23, 1982

b. Dr. Dew's office

c. Dr. Dew

d. Interview

e. My notes have been previously provided to the plaintiff.

(3)

a. April 2, 1982

b. Miss Ballinger's Office

c. I generated the contact

d. Presenting two candidates for County Extension Chairman

e. No notes.

(4)

a. April 5, 1982

b. County Commissioners' Room and Extension Office in Warrenton

c. County Commissioners and me

d. Interview and appointment of Extension Chairman

e. No notes.

8. Contacts with persons supporting Mr. King:

I received three letters from persons supporting Mr. King's candidacy for County Chairman. Those letters and my responses to those letters are appended as Attachments 4-9. I do not recall any other contact with any supporter of Mr. King.

9. Notes of Plaintiff's interview: See Interrogatory 7(2)(e).

10. Notes of Mr. King's interview: See Attachment 3.

11. Decision to recommend Mr. King and the plaintiff. Dr. Black, Dr. Dew and I agreed that Russell King and Emily Ballinger should be recommended to the

Warren County Board of Commissioners for the position of County Agricultural Extension Chairman. We reached our decision around 5:00 P.M. on March 23, 1982. Following that decision I advised the following persons of this decision:

i. Jack Harris. Mr. Harris was verbally told of our recommendation on April 2, 1982. I have no notes of that conversation.

ii. Plaintiff and Mr. King. They were orally advised of our recommendation on April 2, 1982. I have no notes of that conversation.

iii. Tom Byrd. Mr. Byrd, an employee of the Extension Service, was verbally advised of our recommendation on April 5, 1982 and requested to prepare two news releases, one for plaintiff in case she was appointed and one for Mr. King in case he was appointed. I do not have notes of this conversation and do not have copies of the news releases.

iv. Warren County Commissioners. I verbally advised the County Commissioners of our recommendation on April 5, 1982. I have no notes of that conversation.

12. Contact with the plaintiff: I have known the plaintiff since July, 1979. As District Chairman I had opportunities to observe the plaintiff's work and the responsibility to evaluate her performance.

13. Personal contact with Warren County Commissioners between March 1, 1982 and April 5, 1982:

a. Jack Harris - March 30, 1982 - McKimmon Center. Asked him if Board of Commissioners would accept the recommendation of two individuals for County Extension Chairman in Warren County. I have no notes of this conversation and no other persons were present.

A-353

ATTACHMENT 4

March 19, 1982

Mr. Richard N. Gupton

Route 2, Box 128-A

Louisburg, NC 27549

Dear Mr. Gupton:

Thank you for your letter concerning the current Extension situation in Warren County. We are privileged to have people such as you who are interested enough in the program to take time to write us. Please be assured that we will do everything in our power to see that we get the best Extension program possible for Warren County.

Thank you again.

Sincerely,

s/Hugh L. Liner

District Extension Chairman

dsw

ATTACHMENT 5

Route 2, Box 128-A

Louisburg, N.C. 27549

March 9, 1982

Mr. Hugh Liner

P. O. Box 5157

Raleigh, North Carolina 27650

Dear Dr. Liner:

I understand that the present Warren County Agricultural Extension Chairman, Mr. L. C. Cooper, will be retiring in April. I also understand that there are several employees presently working with the Warren County Agricultural Extension Service who have applied for this position.

I, as Manager of the Warren F.C.X., have been working closely with the Warren County Extension Service. This letter is asking for your support of Russell King to be appointed the position of Chairman for the Warren County Extension Service. I

feel he is well qualified to fill this position and would be very beneficial for the people of Warren County in the future.

Your consideration of Mr. King for this position will be greatly appreciated. If I can be of any service to you, please do not hesitate to contact me.

Sincerely,

S/Richard N. Gupton

Manager of Warren F.C.X.

Warrenton, N.C.

RNG:sg

ATTACHMENT 6

March 19, 1982

Mr. Irvin D. Smith

Rt. 3, Box 59

Warrenton, NC 27589

Dear Mr. Smith:

Thank you for your letter concerning the current Extension situation in Warren County. We are priveleged to have people

such as you who are interested enough in the program to take time to write us. Please be assured that we will do everything in our power to see that we get the best Extension program possible for Warren County.

Thank you again.

Sincerely,

S/Hugh L. Liner

District Extension Chairman

dsw

ATTACHMENT 7

March 4, 1982

Dr. Hugh Liner

Dist. Ext. Chairman

303 Ricks Hall N.C.S.U.

Raleigh, N. C. 27607

Dear Dr. Liner:

I have been a cattle and tobacco farmer in Warren County for the past eight years. During those years, I have seen

Warren County's agriculture segment really grow. What concerns me now is the dire need for someone in our county extension dept. who is the familiar with animal science. Our county is one of the leaders (animal numbers) in our area of the state; yet, for the last several years we have not had a qualified ext. person in the animal science area. I have gone to my ext. agent several times concerning the BCIP program or questions about beef and he completely at a lost. I realize that he is a very likeable person, but I feel like that my taxes are paying for knowledge, not personality. I would personally like to see a young man just out of college because this young graduate would be able to put new academic knowledge to work for us in this county.

Russell King is one of our ext. agents in this county. Russell has helped me on several occasions in dealing with crops. I personally feel that Russell has

the knowledge, personality and leadership to serve as County Chairman.

Sincerely yours,

s/Irvin D. Smith

ATTACHMENT 8

March 19, 1982

Mr. Steve L. Medlin

Vice President

Branch Banking and Trust Company

Warrenton, NC 27589

Dear Mr. Medlin:

Thank you for your letter concerning the current Extension situation in Warren County. We are priveleged to have people such as you who are interest enough in the program to take time to write us. Please be assured that we will do everything in our power to see that we get the best Extension program possible for Warren County.

Thank you again.

Sincerely,

S/Hugh L. Liner

District Extension Chairman

dsw

ATTACHMENT 9

Mr. Hugh L. Liner

303 Ricks Hall - NCSU

Raleigh, N. C. 27607

Ref: Warren County Agricultural Extension Chairman

Dear Mr. Liner:

I recently read in the lcoal newspaper that L. C. Cooper, the present Chairman of the Warren County Agricultural Extension Service, announced his retirement effective April 30, 1982. I understand that you, through your department, will recommend a successor ro Mr. Cooper to the Warren County Board of Commissioners.

I would like to recommend that you and those of your department and committee give considerable consideration to Russell King to succeed Mr. Cooper as Chairman of the Warren County Agricultural Extension Service.

For the few years that I have known Russell, I have found him to be a very enthusiastic individual, who goes out of his way to help farmers in this area be more productive and more efficient in their livelihood, Russell has always been enthusiastic in his work and a genuine pleasure to work with. I find that he has the admiration of all the farmers in the county and many look to him as a source of guidance and leadership. He is also looked upon as an extremely important link between what is happening on the farm and the modern farming technics and knowledge that are developed at the University. He is never too busy to talk with a farmer about what may be happening in the tobacco

or aoybean field or the Saturday afternoon gardner, who is worried about discoloration in his shrub. He is always ready to do what he can to promote better farming technics in our county, while working with the old timers in helping them identify and solve specific problems.

Russell has also taken a genuine interest in the development of our young farmers through the 4-H Clubs. He is also active in taking speaking engagements to various groups, from the Future Farmers of America, 4-H Clubs, to the Wednesday afternoon Garden Club.

I also think Russell has the experience and leadership to unite the existing staff of the Warren County Extension Service, to render those services to the public for which the Extension Service was intended. I feel that he has the respect and admiration of his peers and the farmers who come into contact with him on a day to day basis.

I hope that you will consider Russell for this position and I personally feel that there is no better person in the present staff to succeed Mr. Cooper than Russell King.

Sincerely,

s/Steve L. Medlin

Vice President

RESPONSE OF DEFENDANT RUSSELL C. KING TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

Filed District Court April 30, 1985

1. Employment history:

a. September 1, 1979

b. Associate Agricultural Extension Agent, 9/1/79-4/30/82 County Extension Chairman, 4/1/82 - until present.

2. Contacts with Dr. Liner:

I do not remember the first time I met Dr. Liner. My association with Dr. Liner has been on a professional level.

3. Cooper retirement:

Mr. Cooper announced his retirement

at a meeting of the extension staff. Prior to that meeting I had heard rumors that Mr. Cooper was retiring. I do not recall when or from whom I heard those rumors

4. Association with the Young Farmer's Organization:

As a part of my duties as a member of the Agricultural Extension staff in Warren County, I organized the Young Farmer's organization and served as its advisor.

5. Meetings between January 1, 1982 and April 30, 1982:

Based upon an examination of my business calendar it appears that I met with the Young Farmer's Organization on three occasions between January 1, 1982 and April 30, 1982.

6. Dates of meetings:

Based upon an examination of my business calendar it appears that I met with the Young Farmer's Organization on January 13, 1982, February 19, 1982, and

March 3, 1982.

7. Officers of Young Farmer's Organization:

I am not certain of the identity of the officers of the Young Farmer's Organization between January 1, 1982 and April 30, 1982.

8. Members of Young Farmer's Organization:

I cannot be certain of the identity of the members of the Young Farmer's Organization between January 1, 1982 and April 30, 1982. However, I believe the following persons were members during that period:

James Bowen	Willie A. Boyd, Jr.
Allen Campbell, Jr.	Pete Carroll
Tim Carroll	Bennie P. Collier
James E. Davis	Nathaniel Davis
Charlie Dortch, Jr.	Arthur Evans, Jr.
Ernest Evans	Charles Fleming
Johnny Fleming	Phillip Fleming
Wm. L. Fuller, Jr.	Andy B. Garrett
Richard N. Gupton	E. B. Harris
Jimmy Harris	Jimmy Hawks
A. H. Hight, Jr.	Mike Hight
Charles Holtzman	Gary Holtzmann
Jerry Holtzman	Richard Holtzmann, Jr.

Steve Holtzmann	Daryl Kilian
C. C. King, Jr.	Charles Lynch
Randy Martin	Donald E. Mulchi
Scott O'Neal	Wilbert Overby
Hal Paschall, Jr.	George A. Perkinson
Raeford Pernell	Greg Reese
Mike Roope	Bob Rideout
Weldon P. Rooker	William F. Rooker
Calvin J. Seaman	Raymond J. Seaman
Claude G. Shearin	W. T. Skinner, IV
Irvin Smith	Robin St Sing
Dennis Stegall	Harry Stegall, Jr.
Howard Stegall	Tommy Stegall
Tom Traylor	Ashley White
Stewart White	Leon Williams
Earl Williams	Morgan Williams
Yarborough Williams	Crandall Wilson
Henry Wilson	

c. Dr. Chester Black

March 23, 1982. Interview for County Chairman in Raleigh. I am not aware of any notes Dr. black took during the interview.

d. Irvin Smith

The following are dates that I marked in my business calendar. On some of these dates, Mr. Smith was not at home when I went to his farm. I am including all dates listed on my calendar, but I do not remember on which of these dates Mr. Smith and I actually met. I am not aware of any

notes of any of these meetings.

February 23, 1982 - Tobacco production and grain.
February 25, 1982 - Tobacco production and grain.
February 26, 1982 - Tobacco production and grain.
March 3, 1982 - Young Farmer's meeting.
March 8, 1982 - Tobacco production.
March 9, 1982 - Tobacco production.
March 11, 1982 - Tobacco production.
March 29, 1982 - Advisory Council meeting (I am not sure that Mr. Smith attended).
April 2, 1982 - Soybeans

e. Jimmy Harris

March 11, 1982 - Tifton 44 sprigs
March 18, 1982 - Tifton 44 sprigs

I am not aware of any notes of these meetings.

f. W. J. Harris

April 5, 1982 - Met with Commissioners for interview. I am not aware of any notes of this interview.

g. Clyde Edwards

April 5, 1982 - Met with Commissioners for interview. I am not aware of any notes of this interview.

h. William Skinner

April 5, 1982 - Met with Commissioners for interview. I am not aware of any notes of this interview.

i. Herbert Harris

April 5, 1982 - Met with Commissioners for interview. I am not aware of any notes of this interview.

AFFIDAVIT OF DONNA B. ROOPE
Submitted by Defendants

Filed District Court March 29, 1985

DONNA B. ROOPE, being first duly sworn, deposes and says:

I am a resident of Warren County. In March of 1982 I was serving as secretary-treasurer of the Warren County Young Farmers and Ranchers. As secretary-treasury it was my responsibility to keep the minutes of all meetings.

On March 3, 1982 the Young Farmers and Ranchers met. I was present and kept the minutes of that meeting, and have custody of the minutes of that meeting.

The attached document is a true and accurate copy of the minutes of the Young Farmers and Ranchers' meeting on March 3, 1982.

s/ DONNA B. ROOPE

Duly verified.

Attachment to Affidavit of Donna B. Roope

The Warren County Young Farmers and Ranchers met on Wednesday, March 3, 1982 at 7:00 P.M. at the Middleburg Steak House. The group enjoyed a delicious steak dinner which was sponsored by Robie Pate representing Elanco Products.

Grace was delivered by Mrs. Judy Seaman.

After dinner, the business meeting began. Russell King presided over the business meeting in Michael Roope's absence. Mr. King asked for old business at which time there was none. New business consisted of elections for new officers for 1982-1983 and program selection for the forth coming year.

There was no further new business.

The secretary-treasurer then gave the minutes and treasurer's report.

Mr. Robie Pate representing Elanco Products presented a program on chemicals produced by Elanco and their effectiveness.

Dr. R. C. Wells, professor of Economics and Business from North Carolina State University presented an interesting program on "Estate Planning." Following the presentations, a question and answer period took place.

Members inquired as to the possibility of Russell King being selected as County Extension Chairman. Upon this inquiry, Mr. King respectfully denied to make any comment at that time.

There being no further business the meeting was then adjourned.

Respectfully submitted,

Donna B. Roope

PORTIONS OF TRANSCRIPT OF
GRIEVANCE HEARING
HELD ON SEPTEMBER 9, 1982

Filed District Court April 30, 1985

In the Matter of:
Miss Emily R. Ballinger
Transcript
of
Grievance Hearing
held
September 9, 1982
in the
Warren County Courthouse
Warrenton, North Carolina

a former County Extension Chairman. .

.

Max D. Ballinger, Attorney: For this county?

Miss Emily R. Ballinger: For this county, yes.

Max D. Ballinger, Attorney: What did you do each time each of these people and other people asked you about appearing in your behalf or writing letters for you?

Miss Emily R. Ballinger: I told them that we were not supposed to have any politicking and we were asked not to do that, and that I thought it would probably

be harmful to me rather than help me, and that I thought it would be best for them not to do it.

Max D. Ballinger, Attorney: Did a group of young farmers after this appear at the County Commissioners hearing?

Miss Emily R. Ballinger: Yes sir.

Max D. Ballinger, Attorney: Was there an article written in the newspaper about it?

Miss Emily R. Ballinger: Yes sir, and there was also something also that I didn't know and that was at the time that Dr. Liner had the conference with us, he said, I don't know whether you know it or not, but that there was a meeting of young farmers with the State Extension staff in another county.

Max D. Ballinger, Attorney: Where was that meeting held?

Miss Emily R. Ballinger: I do not know for sure. I think in Louisburg, in Franklin or Nash counties. I am not positive.

Max D. Ballinger, Attorney: Did an article appear in the paper? Will you read that article to the board? It's found on page 45.

It was also on the same day Mr. King's picture was in the paper. A group of Warren County farmers.

Dr. Clauston Jenkins: We agree that it is in the record that the committee can read it. . .

not the meeting held outside the county with the young farmers and the Agricultural Extension Service was prejudicial to your efforts to get a promotion you felt you justly deserved?

Miss Emily R. Ballinger: Yes sir, I do.

Max D. Ballinger, Attorney: Tell the board why you think it was prejudicial.

Miss Emily R. Ballinger: Well, I did't know about it. I understand they were discussing the position - in the county - that was being vacated; and that I feel

that I did not know anything about it; and that the information was given that would be prejudicial to me.

Max D. Ballinger, Attorney: Were you given the opportunity to respond to anything that came up at that meeting?

Miss Emily R. Ballinger: No sir.

Max D. Ballinger, Attorney: Do you have an opinion as to whether or not your age entered into your not getting the position as contrasted to Mr. Russell King and his age?

Miss Emily R. Ballinger: Yes sir.

Max D. Ballinger, Attorney: Tell the board what your opinion is

Miss Emily R. Ballinger: Well, the. . . my opinion is that the age was asked also when I had my interview. Also another thing so far as the age difference is concerned and the discrimination. . . I was so concerned about the letter that. . . was asked at the interview in Raleigh. And I feel that that was taken into

consideration. Another thing on March 30th, we had the District Extension Homemakers meeting in Raleigh and Mr. Jack Harris, who is Chairman of the Board of County Commissioners, was asked to bring greetings for that meeting, and he did come to Raleigh for the meeting. I had told Mr. Harris where I would like for him to meet so far as lining up to go on stage. And when I went into the auditorium, Mr. Harris said. . . he was standing on the other side. I said, "Mr. Harris, you are supposed to be over there." And so he said, "Well I'm waiting to see Dr. Liner, I haven't seen him come in yet and I wanted to see him while I was here." And I said, "Well, Jack. . . " it was the first opportunity I had had an opportunity to talk with him. I said, "Jack, what in the world is going to happen?" I said, "What do you, how about the letter that Irvin Smith wrote?" And he said, "Don't worry about that." I

said, "Well, it concerns me. I don't think that it's fair to me," I said, "What's going to happen?" And he said, "Emily, you know what's going to happen." And he said, "No, I don't know what's going to happen, either." And he said, "Well, I wanted to talk to Dr. Liner about it today." And I said, "I'm real concerned about it and I think something should be done about the letter. It just worries me." He said, "Don't worry," he said "You know what's going to happen." And I said, "No, I don't." He said, "Yes, you do." I said, "Well, really I don't." He said, "Well, you're going to be Chairman, you know. Russell King hasn't been there long enough, and he doesn't have the experience."

Now Mr. Harris told me that in Jane S. McKimmon Center on March 30th. On April 5 when Dr. Liner came over and told me that Mr. Russell King had been selected as County Extension Chairman, he said,

"The Commissioners decided and it was a unanimous decision." Now somewhere between, prior to the meeting on March 30th and the end of the Commissioners meeting on April 5, Mr. Jack Harris's opinion had been changed evidently. Because he was very defintely, I mean and I was not, of course, I know that that was not an official answer, but, and, I was not trying to find out, but what my concern was that the letter Irvin Smith had written which was very definitely as I've pointed out more than one time, against me.

And I think Mr. Harris felt that it was, too, and I know that Mr. L. C. Cooper felt that it was and that Mr. Cooper had expressed concern to Mr. Harris. I understand and I know that he expressed it to Dr. Liner. And so that was discrimination. On age: I think that age probably entered into the factor when the final unanimous decision was made.

Max D. Ballinger, Attorney: Were you told at any time what the salary differential would be in your current pay scale and the pay scale of a County Chairman?

Miss Emily R. Ballinger: Yes sir. When Dr. Liner was here on the Friday afternoon before, well, the first time I asked what the difference would be was when I had the interview. I did ask, and I believe it was Dr. Dew that said, "I'll make the standard answer that it will be, there will be a difference in salary and that it will be adjusted according to, at the time. And it will be enough to take care to buy some aspirin for those headaches that might come up." And then on the Friday afternoon that Dr. Liner was here, he did so state to Mr. King and to me that the salary would be $2500.00 above our present salary and that the commissioners portion would be the same and that shouldn't present any problem there.

Max D. Ballinger, Attorney: Now can you.

. . on page 12 if it please the board, there is a typographical error in paragraph two, I believe. No, it's correct. I'm sorry. Withdraw it. Have you, had you

Mr. Jack Harris Testified on Direct Examination
for the State and in Response to Questions
of
Dr. Clauston Jenkins, its Attorney

Dr. Clauston Jenkins: Mr. Harris, will you just slide your chair over hre? Would you state your name and your position for the record, sir?

Mr. Jack Harris: I'm Walter J. Harris, Chariman of the Board of Commissioners for the County of Warren.

Dr. Clauston Jenkins: Mr. Harris, were you, did you have that position last spring in April and May when the new County Chairman was selected?

Mr. Jack Harris: I did.

Dr. Clauston Jenkins: At that time, did you select Mr. King as the Chairman? The new County Chairman?

Mr. Jack Harris: The board, the board did.

Dr. Clauston Jenkins: Do you remember the date on which the board made that decision?

Mr. Jack Harris: The regular Commissioners meeting, I believe April 5.

Dr. Clauston Jenkins: Did you make that decision before you interviewed the two candidates or after?

Mr. Jack Harris: After the interviews. After lunch.

Dr. Clauston Jenkins: After lunch. There has been reference in this testimony to a meeting that apparently occured in the morning in which somebody has alleged that you were discussing the county chairman. Do you remember that meeting in the morning prior to the interviews?

Mr. Jack Harris: As I recall, the meeting with Dr. Liner was to go over with the County Board the procedures that were used in selection of the county chairman.

Dr. Clauston Jenkins: Okay, so at that time, you did not discuss which candidate you would select, is that right?

Mr. Jack Harris: No sir, we did not.

Dr. Clauston Jenkins: Did you then have, did you interview the candidates in the afternoon; both candidates, Mr. King and Miss Ballinger.

Mr. Jack Harris: We did.

Dr. Clauston Jenkins: Did you make your selection after that time?

Mr. Jack Harris: The selection was made after the interviews with the two candidates.

Dr. Clauston Jenkins: After. In the process after the County Extension Service or the Agricultural Extension Service submitted two names to you, to the County Commissioners that was Miss Ballinger and Mr. King.

Did anyone from the Agricultural Extension Service administration, specifically Dr. Black, Dr. Dew, Dr. Liner, approach you

and indicate that the Extension Service favored one of the candidates over the other?

Mr. Jack Harris: They did not.

Dr. Clauston Jenkins: Did anybody approach you in support of the candidates, either of the candidates? Members of the public or other Extension personnel?

Mr. Jack Harris: Previously, there had been people approach me on behalf of each of those two.

Dr. Clauston Jenkins: Do you, okay, did anybody write you any letters about it or do you remember?

Mr. Jack Harris: No sir, no letters were written. Or I did not receive any letters on behalf of either.

Dr. Clauston Jenkins: We've had discussion here of a testimony about a letter to the editor from a Mr. Irvin Smith about the Extension Service and it was a, we've, maybe you were here. Were you here when that was read?

Mr. Jack Harris: I was.

Dr. Clauston Jenkins: Okay, you're familiar with that letter to the editor. Did that letter from Mr. Smith influence the Commissioners or as far as you can tell, the Commissioners' selection of a County Chairman?

Max D. Ballinger, Attorney: I object to that question. No objection for what it did to him.

Dr. Clauston Jenkins: I asked you as far as you could determine for yourself?

Mr. J. D. Dodson: As far as he was concerned.

Mr. Jack Harris: No.

Dr. Clauston Jenkins: Do you remember what Mr. Smith's main concern was?

Mr. Jack Harris: The concern that he voiced was basically the same concern that had been voiced by several of those who had contacted me. They were more interested in a livestock agent being assigned to Warren County than they were

in who would become County Chairman.

Dr. Clauston Jenkins: Okay, do you recall a discussion you had with miss Ballinger in Raleigh on March 30th that she just recounted in which you apparently told her that you thought she would be the next County Chairman?

Mr. Jack Harris: Basically yes. And I have no question as to whether or not I said that. I'm sure I did at that time.

Dr. Clauston Jenkins: Would you be in a position to remember what it was that caused you to change your position if that was really your position, or was it just politeness at that time?

Mr. Jack Harris: Well, I thought due to her time of service that she would be the one that was recommended. I did not know that there would be more than one person recommended, due to the situation three years prior to that time.

Dr. Clauston Jenkins: So at the time, you hadn't had the candidates recommended to

you by the Extension Service?

Mr. Jack Harris: No sir, that's one reason I wanted to talk to Dr. Liner that day. I'll be perfectly honest with you, I asked him and he flatly refused to tell me. He would not give me the decision that had been made, if one had been made at that time.

Dr. Clauston Jenkins: So at that time, you did not know that Mr. King would be recommended?

Mr. Jack Harris: I did not know who would be recommended.

Dr. Clauston Jenkins: You did not have any recommendation from the Extension Service?

Mr. Jack Harris: No sir.

Dr. Clauston Jenkins: So your statement to her was just your so-called educated guess based on what you knew at that time?

Mr. Jack Harris: Due to the experience that she had, I felt that she would be the one person recommended.

Dr. Clauston Jenkins: When you had the interview, did you ask the candidates a question?

Mr. Jack Harris: We did.

Dr. Clauston Jenkins: Were you able on the basis of the way the candidates responded to the questions to form an opinion as to which of the candidates would make the best County Chairman?

Mr. Jack Harris: Based on the answers that were given that day, after the interviews when the board was discussing the qualifications and discussing the answers that were given by each of the candidates, it was the consensus of the board at that time that Mr. King's answers were more concise, he was more direct, more to the point, that Miss Ballinger, while her answers did relate pretty much to the subject at times, was very hesitant in giving an answer and appeared to be stressing more work toward 4-H programs and Home Demonstration Clubs or the

Community Clubs, while Mr. King was stressing not any one particular program, but what he felt would be an overall or what he felt could lead into an overall improvement in the entire program.

Dr. Clauston Jenkins: And now, is that one of the bases for making the decision to recommend Mr. king?

Mr. Jack Harris: It was.

Dr. Clauston Jenkins: Let me show you something that is marked "Index" and it is numbered with pages A-1 through A-13, and it's called "Preface to Proposed Agricultural Extension Program for Warren County" and then it's a discussion of an Extension plan for Warren County. A ten-year plan. It has been prepared by Miss Ballinger. Let me ask you if this was ever given to the commissioners at the time she was a candidate.

Mr. Jack Harris: No sir. I don't recall ever seeing it.

Dr. Clauston Jenkins: Okay, so she did

not present to you her ten-year plan or did not make any mention of a ten-year plan to you at the time?

Mr. Jack Harris: No sir.

Dr. Clauston Jenkins: Were you familiar with Miss Ballinger's work through your experience as a resident of the county as a County Commissioner?

Mr. Jack Harris: Yes, I was.

Dr. Clauston Jenkins: Were you able to. . . were you familiar with the work of Mr. King?

Mr. Jack Harris: I was. I've known, I had known Mr. King probably 15 years; had known Miss Ballinger, well frankly, considerably longer than that because Miss Ballinger was involved in 4-H work when I was in high school.

Dr. Clauston Jenkins: On the basis of your knowledge, on the basis of the interview that you had, were you able to reach a conclusion as to which of the candidates would be the better County

Chairman?

Mr. Jack Harris: The Board as a whole felt that it would be better for Warren County if Mr. King was appointed Chairman.

Dr. Clauston Jenkins: Okay, do you recall whether or not the resume, the contents of the candidates' resume played a major part in that decision?

Mr. Jack Harris: They, the resumes did not play a major part, although they were both considered, they were both discussed.

Dr. Clauston Jenkins: I don't have any further questions.

(Conclusion of Direct Examination of Mr. Jack Harris)

Mr. J. D. Dodson: I'm sure Mr. Harris is a busy man. Do you want to cross and limit it the best you can so he can get gone?

Mr. Jack Harris Testified on Cross Examination in Response to Questions by Max D. Ballinger, Attorney

Max D. Ballinger, Attorney: Do you have the resumes there with you?

Mr. Jack Harris: Yes I do.

Max D. Ballinger, Attorney: May I see them please?

Mr. Jack Harris: Are you speaking of each of them?

Max D. Ballinger, Attorney: Yes sir. Now do you know whether this is the first resume which Mr. King presented or his second resume?

Mr. Jack Harris: That is the only one I have knowledge of.

Max D. Ballinger, Attorney: Do you have any minutes of the meeting? Were there minutes made of the meeting?

Mr. Jack Harris: Were there minutes made of the?

Max D. Ballinger, Attorney: County Commissioners meeting?

Mr. Jack Harris: Oh, yes.

Max D. Ballinger, Attorney: Was there a recording made?

Mr. Jack Harris: There was not a recording made.

Max D. Ballinger, Attorney: Do you have those minutes with you?

Mr. Jack Harris: No, I do not.

Max D. Ballinger, Attorney: Could you make them available to me after lunch?

Mr. Jack Harris: They are recorded downstairs in the Commissioners book and are available to the public.

Max D. Ballinger, Attorney: All right. Could you tell me where to find it?

Mr. Jack Harris: The Register of Deeds' office.

Max D. Ballinger, Attorney: What was the vote on Miss Ballinger's selection as County Chairman or Mr. King's selection as County Chairman; do you recall?

Mr. Jack Harris: The vote was unanimous among the four members attending for Mr. King.

Max D. Ballinger, Attorney: Did you remember the names of any persons who spoke with you on behalf of Mr. King?

Mr. Jack Harris: I do.

Max D. Ballinger, Attorney: Who were some of them? Who were they?

Mr. Jack Harris: William Brauer, James Harris, Jr., Glenn Riggan, several others; specifically, I cannot recall.

Max D. Ballinger, Attorney: Who spoke to you on behalf of Miss Ballinger; do you recall?

Mr. Jack Harris: Mr. Cecil Pope.

Max D. Ballinger, Attorney: Anyone else?

Mr. Jack Harris: I think I had conversations with approximately two dozen people in the period of time after Mr. Cooper announced his intention to retire. And of those that spoke to me about the position of Chairman, I think there probably were three or four that spoke on Miss Ballinger's behalf; there were others that spoke specifically on Mr. King's behalf; the majority of those that spole with me were livestock agents, and they were more concerned with the livestock agent than they were in the Chairmanship.

Max D. Ballinger, Attorney: Now, prior to three years ago, when Mr. L. C. Cooper was designated as the County Chairman, who was your County Chairman here?

Mr. Jack Harris: Mr. L. B. Hardage.

Max D. Ballinger, Attorney: How long had Mr. Hardage been County Chairman? For many, many years?

Mr. Jack Harris: Some few years. He was appointed Chairman upon the retirement of Mr. Frank Reams.

Max D. Ballinger, Attorney: How long had Mr. Williams, Mr. Frank Williams, been the County Chairman?

Mr. Jack Harris: Mr. Reams had been. . .

Max D. Ballinger, Attorney: Mr. Reams, I mean.

Mr. Jack Harris: Mr. Reams had been Chairman I guess, well, to be perfectly honest with you, I do not know because I was not in the county at the time of his real appointment.

Max D. Ballinger, Attorney: All right.

Were you on the Board of County Commissioners when Mr. Hardage was designated as County Chairman?

Mr. Jack Harris: I'm not sure.

Max D. Ballinger, Attorney: That you would recall, what the selection process was at the time, would you?

Mr. Jack Harris: Not at that time, no.

Max D. Ballinger, Attorney: Now, were you on the Board of County Commissioners at the time Mr. L. C. Cooper was selected County Chairman?

Mr. Jack Harris: I was.

Max D. Ballinger, Attorney: Now, what was your understanding of the procedure at that time? Did you understand that the County Chairman was an employee of North Carolina State Agricultural Extension Service?

Mr. Jack Harris: I did.

Max D. Ballinger, Attorney: And did you understand that they were the ones that made the determination with reference to

who they would, wanted, as County Chairman?

Mr. Jack Harris: As I recall, it was explained to us at that time that they made a recommendation to the Board of County Commissioners and the Board of County Commissioners could concur in that recommendation or they could reject it.

Max D. Ballinger, Attorney: It had never been known to happen in North Carolina that the County Commissioners had ever rejected a recommendation of the Agricultural Extension Service, was it?

Mr. Jack Harris: I cannot answer the question. I do not know.

Max D. Ballinger, Attorney: But you had no choice in the matter at the time Mr. Cooper was submitted except to say yes or no. Is that right?

Mr. Jack Harris: As I understand it at that time when the recommendation was made, the consensus of the Board was to accept the recommendation.

Max D. Ballinger, Attorney: All right, now at the time Miss Ballinger came on for selection, you were rather surprised to find that two people, the names of two people were mentioned from Raleigh, were you not?

Mr. Jack Harris: That is correct.

Max D. Ballinger, Attorney: And you stated when the. . . there had been a great deal of pressure among the young farmers for a young man in the County Chairmanship, had it not?

Mr. Jack Harris: No sir.

Max D. Ballinger, Attorney: And at the time you selected Mr. King, was it not your feeling that a man would be better in the COunty Chairmanship than a woman under the circumstances as they existed at that time?

Mr. Jack Harris: That was the consensus of the Board.

Max D. Ballinger, Attorney: Was it the consensus of the Board that a younger

person might add something to the program here in Warren County than an older person might not be able to add to it?

Mr. Jack Harris: I do not believe that was discussed at any length and I don't think there was a consensus arrived at that meeting.

Max D. Ballinger, Attorney: Well, was that your observation; your opinion?

Mr. Jack Harris: No. We looked at the resumes that were submitted. We looked at the answers to questions that were asked at the interviews. Without a doubt, the input of the Young Farmers did have some bearing on the selection process. Yes, that I will admit. We made our selection based on who we thought would be the best Chairman for Warren County at this time.

Max D. Ballinger, Attorney: And the Young Farmers were very outspoken on the fact that they wanted a man as County Chairman, were they not?

Mr. Jack Harris: No sir. The majority of

the Young Farmers spoke on behalf of the University furnishing the county with a Livestock Agent. They did not voice that much concern over who was County Chairman.

Max D. Ballinger, Attorney: I noted that the article, is that article on page 44? Page 9, I guess.

Dr. Clauston Jenkins: Page what?

Max D. Ballinger, Attorney: Page 9.

Dr. Clauston Jenkins: Oh, page 9.

Max D. Ballinger, Attorney: I notice in next to the last paragraph, "Mr. Farmer, now is the time to wake up and be counted. Do you want a chairperson who knows the needs of the farmers and is trained in Agriculture, or one who will delegate authority from the office?" Have you read that?

Mr. Jack Harris: I have.

Max D. Ballinger, Attorney: Now, that's pretty strong outspeaking for a man as the County Chairman, isn't it?

Mr. Jack Harris: I would not necessarily

think so.

Max D. Ballinger, Attorney: Were you present at a meeting outside the county with the Young Farmers and the Agricultural Extension Service?

Mr. Jack Harris: No, I was not.

Max D. Ballinger, Attorney: Are you aware that such a meeting was held?

Mr. Jack Harris: I am now aware of it.

Max D. Ballinger, Attorney: I notice these resumes are photocopies. May I have these two?

Mr. Jack Harris: They are the only ones I have sir.

Max D. Ballinger, Attorney: Can I make a photocopy of them at the lunch hour and return it to you? Where is your office? Do you have an office here in the building?

Mr. Jack Harris: No sir.

Max D. Ballinger, Attorney: Down the street on the left?

Mr. Jack Harris: This end on the right as

you head back out toward Raleigh.

Max D. Ballinger, Attorney: I thought it was on the left as you headed toward Norlina?

Mr. Jack Harris: I got one there, too.

Max D. Ballinger, Attorney: Your office is down here at the end of the street?

Mr. Jack Harris: I got one at both ends.

Dr. Clauston Jenkins: He gets you coming or going.

Max D. Ballinger, Attorney: One way or another, may I have. . .

Mr. Jack Harris: Normally, I am down in the office of Sun Savings and Loan.

Max D. Ballinger, Attorney: All right, may I return this to you after. . .

Mr. Jack Harris: You can do that and it will be perfectly alright; if you want to, you can leave them with the Clerk of Court.

Max D. Ballinger, Attorney: Could I mail them back to you? Would that be acceptable? You don't need them today, do

you?

Mr. Jack Harris: Not that I know of. I could probably get other copies.

Max D. Ballinger, Attorney: All right, if I may mail them back to you, I'll just make the photocopies in my own office, and mail them back to you.

Mr. Jack Harris: It will be fine.

Max D. Ballinger, Attorney: Did you ask Miss Ballinger about her plans for the County Agricultural position if she was selected?

Mr. Jack Harris: I asked each candidate a series of ten questions; the same questions.

Max D. Ballinger, Attorney: Do you have them with you?

Mr. Jack Harris: I do have them with me.

Max D. Ballinger, Attorney: Could I see them?

Mr. Jack Harris: And I do not have an extra copy of these. If you'd like one, I'll have one made and give it to you.

Max D. Ballinger, Attorney: All right, sir. I would like that.

Mr. Jack Harris: All right.

Max D. Ballinger, Attorney: Do you have a photocopy machine handy; if I could just get them all at lunch hour sometime. If that will be all right. . .

Mr. Jack Harris: It will be fine.

Max D. Ballinger, Attorney: At the time I asked you if Miss Ballinger did not state essentially what is in this proposed plan that has been identified by pages AA through 13?

Mr. Jack Harris: I have not seen the plan, sir.

Max D. Ballinger, Attorney: If that is not in essence what she told you when you asked her these ten questions.

Mr. Jack Harris: I can't answer the question; I've not seen the plan.

Max D. Ballinger, Attorney: Would you glance at it briefly? If you would please, your counsel has it.

Mr. Jack Harris: . . .the questions that were asked or some of the questions that were asked.

Max D. Ballinger, Attorney: Do you seem to recall that those were essentially the answers that she gave the Board on those issues?

Mr. Jack Harris: I would have to answer that no, because what I see here is quite lengthy and the answers she gave basically were fairly short, with the exception of one or two.

Max D. Ballinger, Attorney: All right. What I'm asking is that the essence of what she explained? The A-1 through A-13 is that not the essence of what she explained in the short answers that she gave?

Mr. Jack Harris: Some of the questions didn't relate to this at all.

Miss Emily R. Ballinger: Mr. Harris,

Max D. Ballinger, Attorney: Who prepared these questions?

Mr. Jack Harris: Who prepared them?

Max D. Ballinger, Attorney: Yes sir.

Mr. Jack Harris: They were prepared by the county attorney at my request.

Max D. Ballinger, Attorney: All right. And he typed them? Had them typed?

Mr. Jack Harris: He did it himself.

Max D. Ballinger, Attorney: After the selection was made, was there some concern among some citizens of the county that Miss Ballinger had not been selected?

Mr. Jack Harris: I was approached by, well, one specifically approached me as I entered the hospital to visit Mr. George Shearin, a County Commissioner, the time I walked in. She voiced her concern that the commissioners did not select Miss Ballinger; however, the same individual expressed her sentiments about Mr. King being selected in that she had to live with a house full of men and she knew exactly where it came from./

Max D. Ballinger, Attorney: Did you tell

her if Miss Ballinger had been a man she probably would have been selected?

Mr. Jack Harris: I do not recall.

Max D. Ballinger, Attorney: You don't deny that you did.

Mr. Jack Harris: I could have done that, but I honestly do not remember.

Max D. Ballinger, Attorney: You had told some people, had you not?

Mr. Jack Harris: Specifically, I do not recall. I would have to say no since I do not recall. it is possible that I may have, but I would honestly have to answer no.

Max D. Ballinger, Attorney: Those were your thoughts at the time, though, were they not?

Mr. Jack Harris: I was quite surprised, to be perfectly honest with you, that the University recommended two people to us. They had not done so before and I, of course, assumed that the same thing would be true in this case.

Max D. Ballinger, Attorney: And you had never known of a practice in any county to submit two people to the County Commissioners before, had you?

Mr. Jack Harris: I had not been faced with it but once before, three years prior to this time.

Max D. Ballinger, Attorney: And you had never heard of it elsewhere in the state?

Mr. Jack Harris: Had no reason to hear of it.

Max D. Ballinger, Attorney: Now, at the time on April 5 when the selection was considered, you said that Dr. Liner met with you that morning at 11:30?

Mr. Jack Harris: Yes sir.

Max D. Ballinger, Attorney: And he was only with you a few minutes, was he not?

Mr. Jack Harris: He was with us probably 15 minutes maybe.

Max D. Ballinger, Attorney: Right. Then you didn't break up the meeting until about 12:50, did you?

Mr. Jack Harris: That is correct.

Max D. Ballinger, Attorney: So you met for about an hour and five minutes without Dr. Liner, did you not?

Mr. Jack Harris: That is correct. I might add to that so that the selection process was not that only thing discussed in that meeting. We reserve matters involving personnel and legal problems to the end of our normal meeting and those items are discussed in executive session. Dr. Liner, of course, involved personnel. We listened to him at that time. He was excused and then we went into other matters.

Max D. Ballinger, Attorney: The lady whc spoke with you at the hospital observed that there was very strong sentiment among the men to have a male County Chairman, didn't she?

Mr. Jack Harris: She did.

Max D. Ballinger, Attorney: And you were aware of that sentiment also, were you

not?

Mr. Jack Harris: I was.

Max D. Ballinger, Attorney: And as County Commissioner, you were seeking to satisfy the demands of your constituents, were you not?

Mr. Jack Harris: Up to a point. Yes sir.

Max D. Ballinger, Attorney: Thank you. I have no further questions.

Mr. J. D. Dodson: Let's take a lunch break. Is there any reason for Mr. Harris to come back this afternoon?

Max D. Ballinger, Attorney: No.

Mr. J. D. Dodson: From either side? Okay. I appreciate your coming. Let's be back at quarter till two.

(Conclusion of Testimony of Mr. Jack Harris)

Mr. J. D. Dodson: Let me just make a comment or two before we do get started.

I failed to remind the panel members that they shouldn't discuss the situation within anyone; I hope you didn't. If you

did, try to ignore whatever you heard outside this room. Just base your decision on whatever facts are presented in the room.

Also, I'd like to ask both sides, if they could and would, to restrict their testimony, etc. to pertinent issues in the case. I'm supposed to be in Edenton by bedtime tonight, and I've got to go back to Raleigh before I start. And Mr. Jenkins is supposed to be in Chapel Hill at five. So I'm not sure either one of us will make it, but if you would, help us as much as you can by sticking to the pertinent issues.

The pertinent facts involved in the issue; so the grievant side, I believe, still had a few more comments, etc. to make. Go right ahead.

Miss Emily R. Ballinger Testified Further in Response to Questions by Max D. Ballinger, Attorney

Max D. Ballinger, Attorney: Miss Ballinger, you saw the resume which Mr.

Harris had from Mr. Russell King?

Miss Emily R. Ballinger: Yes sir.

Max D. Ballinger, Attorney: Is that the same resume that was prepared in the office on March 30, 1982, by Mr. King?

Miss Emily R. Ballinger: Yes sir.

Max D. Ballinger, Attorney: This is not the first application, if there was a first application, then is it?

Miss Emily R. Ballinger: Well, I didn't see the first application.

Max D. Ballinger, Attorney: All right; fine.

Miss Emily R. Ballinger: The first resume that was made. . . but I do know he prepared one on March 30.

Max D. Ballinger, Attorney: Mr. Harris testified as to a conversation with a young lady at the hospital I believe. Did she make any statements to you with reference wo what Mr. Harris told her?

Miss Emily R. Ballinger: Yes sir.

Max D. Ballinger, Attorney: Tell the

board what she stated to you.

Miss Emily R. Ballinger: She said she saw Mr. Harris when she was working at Maria Parham Hospital, and she got after him about the appointment of County Extension Chairman, and as a part of her conversation with him, she said, "Well, if Miss Ballinger had been a man she probably would have gotten the job, wouldn't she?" He said, "Yes, I expect so."

Max D. Ballinger, Attorney: Now with reference to Mr. Harris's comment that you were hesitant in answering some of the questions in some of the areas, would you explain to that panel, please, and exactly how that came to be.

Miss Emily R. Ballinger: Yes sir, I will, There were questions asked, and maybe I didn't explain them quite fully as they could have been explained. But through the past three years, I have been criticized on occasion by Dr. Liner.

Max D. Ballinger, Attorney: Had he told,

did you have conversation about the newspaper article with Dr. Liner?

Miss Emily R. Ballinger: Not that day.

Max D. Ballinger, Attorney: Before?

Miss Emily R. Ballinger: Oh, yes, I had before.

Max D. Ballinger, Attorney: Had each of you been asked not to make comments, political type or other, with reference to the work of the other persons employed?

Miss Emily R. Ballinger: The whole staff had been asked not to do it.

Max D. Ballinger, Attorney: And in connection with your answering the questions to the County Commissioners, did you exercise that reservation which you had been asked to exercise?

Miss Emily R. Ballinger: Yes sir, I did.

Max D. Ballinger, Attorney: Does that explain how you came to. . .

Miss Emily R. Ballinger: Well, I didn't want to overstate some suggestions that maybe. . .

Max D. Ballinger, Attorney: Did you wish not to be critical of the County Agricultural end of it? Is that what you thought?

Miss Emily R. Ballinger: That's right, as it presently stood.

Max D. Ballinger, Attorney: And the questions that were asked you, to have answered them, would have involved a critic of the. . .

Miss Emily R. Ballinger: Present situation.

Max D. Ballinger, Attorney: Present situation, is that not true?

Miss Emily R. Ballinger: Yes sir.

Max D. Ballinger, Attorney: And in following Dr. Liner's admonitions you were being asked by the County Commissioners on one hand to tell them what Dr. Liner told you not to say to anybody. Is that right?

Miss Emily R. Ballinger: Well, in essence, yes.

Miss Emily R. Ballinger: I'd like to

offer these questions into the record, I was provided with not the very best of copy, I just offer into the record. I would really like to have a copy of it, I'm sure everyone here would. I just offer them in for consideration by the board. I have no other questions.

Mr. J. D. Dodson: In all fairness, I think we have to give the other side a chance to cross, since we covered things that hadn't been covered when. . .

Dr. Clauston Jenkins: I don't have any objection to your showing that to the committee or anything. Go ahead. Miss Ballinger, I just have one question for you.

Miss Emily R. Ballinger: Yes sir.

Dr. Clauston Jenkins: This material we refer to as appenidx A, was that written at the time you had your interview with the committee?

Miss Emily R. Ballinger: It was not typed up in this form, but it was written.

Dr. Clauston Jenkins: Why is some of it dated June if it was? Described as June if it were written in April?

Miss Emily R. Ballinger: It was rewritten to be handed in. The original hearing was set for June, and the material was prepared dated for that original hearing.

Dr. Clauston Jenkins: No further questions.

Max D. Ballinger, Attorney: The hearing, for the board's information, had been continued a couple of times.

Miss Emily R. Ballinger: The hearing had been continued a couple of times.

(Conclusion of Testimony of Miss Emily R. Ballinger)

Mr. J. D. Dodson: Oh, yes. Okay, the opposition go ahead.

Dr. Clauston Jenkins: I have no further questions.

Dr Paul E. Dew testified
in Reponse to Questions of
Dr. Clauston Jenkins

Dr. Clauston Jenkins: Okay, my next

witness is Dr. Dew. Dr. Dew, for the record, state your name.

Dr. Paul Dew: Paul E. Dew, Assistant Director, County Operations, North Carolina Agricultural Extension Srevice.

Dr. Clauston Jenkins: Dr. Dew, in order to save time, I'm going to ask you to in a narrative form, describe the procedure used when you fill a County Chairman position within the Agricultural Extension Service within the state of North Carolina. This is the general procedure.

Dr. Paul Dew: Okay, for sake of time, let me also start out with this Memorandum of Understanding that they may or may not be familiar with. Starting back in 1957, there is in North Carolina a written Memorandum of Understanding with each of the 100 Boards of County Commissioners. This last one was revised in 1979, spelling out roles and relationships and things that both parties in this cooperative

Dr. Hugh Liner Testified
in Response to Questions by
Dr. Clauston Jenkins

Dr. Clauston Jenkins: If no further questions for, the next witness is Dr. Liner. Dr. Liner, would you state your name and title for the record?

Dr. Hugh Liner: My name is Hugh Liner. I'm a District Extension Chairman for the North Central District.

Dr. Clauston Jenkins: Dr. Liner, would you in a narrative fashion, in order to save the time of questions and answers, go over the procedure that was used in Warren County to fill the District. I mean to fill the County Chairman's position.

Dr. Hugh Liner: Be glad to. After getting the letter of retirement from Mr. Cooper, I wrote a note to Dr. Dew suggesting that we advertise the position for to be filled which is normal procedure. Called Mr. Cooper and asked if he would get me a date on the County Commissioners calendar and set up a

meeting with the Warren County staff.

On the first of March, I met with the Commissioners and I went through the Memorandum of Understanding precisely like Dr. Dew indicated. Went through the process in advertising, in interviewing, and identifying candidates for recommendation to the County Commissioners.

The only question that was asked I think at that time from the Commissioners, I think Mr. Shearin asked me what was the minimum requirement for Extension Chairman.

I explained to him it was six years or equivalent with a mimimum of two years with the Ag Extension Service with the Masters Degree counting as one year.

I then met with the staff. I'm not totally sure that every member of the staff was there, but I think most of them were. And at this meeting, I went through the process exactly like I did with the

commissioners with the Memorandum of Understanding, explaining the process to them that we had a memorandum agreement of what we would do and what the County Commissioners would do.

That, then I asked if any of them wanted to talk with me, and Miss Ballinger, Mr. Koonce, and Mr. King each visited with me and indicated that each of those persons wanted to make application. Which they did.

Then we went through the interview process as Dr. Dew has discussed. We agreed to recommend both Miss Ballinger and Russell King for the position to the County Commissioners. I called Mr. Jack Harris and asked for conference with him, and he indicated that he was coming to Raleigh on March 30th for an event, and it would conserve energy to meet with him at that time. That as on the 24th of March.

On the 30th, I met with him and I discussed with him the possibility of us

recommending two people for this position and if that would create any situation with regard to the County Commissioners, that he didn't think it would be what they might want.

He did not commit himself at that time but he did say he would like to talk to somebody else and see what their feelings were.

And I indicated that I could come by his office around four o'clock on April 2nd to discuss what he had found out with regard to whether this would be satisfactory.

He did ask me at that time what two people that we were thinking about recommending, and I told him I did not want to agree to go into that at that particular time.

We were just looking to see if it would be acceptable with the Board for us to offer two people.

I called Miss Ballinger and Mr. King,

and I set up an appointment for them at 4:30 on April 2nd.

On April 2nd, I went by to see Mr. Harris at his office. And he indicated it would be all right for us to recommend two people.

And it was at this time that I told him that Miss Ballinger and Mr. King were the two people that we're going to recommend.

And, as you've heard, I indicated that we were recommending that there be a $2,500.00 increase in salary and that Warren County contribute $7,000 toward whichever one was selected. Now, I think it is pretty obvious why he did that. We didn't want to show a preference to any one perrson. He felt like that was a good decision and that he felt that they would pay that amount regardless of which one was selected.

I proceeded from his office to the County Agent's office or the Extension

Office. And as I walked down the hall; Mr. King was at his desk, and I asked him would he please come to Miss Ballinger's office. That was the only comment that was made at that point. And when I and he went into Miss Ballinger's office, as Miss Ballinger explained, I explained to them that we were going to recommend both of them for the position. And I explained that I wanted to talk with both of them together so they would hear exactly what I had said; so that one would no get one version and one get another. Explained about the salary.

And as I recall, Miss Ballinger did raise the issue of the letter. And I did indicate to her that I did not feel that a letter written by a private citizen to the editor of the paper would be a significant issue for the County Commissioners to make a decision. That's how I felt at that point. That's how I feel at this particular point.

So whether that was a casual statement or not, I don't know. But I didn't feel like it would be a significant factor in the selection of a County Extension Chairman.

I did suggest that they not go out and politic for the position. We feel like that's a statement that we give all counties and charge all counties when we're in this situation. We feel like it's not good for the Extension Service.

As Miss Ballinger mentioned, I said that any one of you could bring fifty here and the other one get selected. Immediately, you got fifty people against the one that was selected, so we just feel like that's not a good issue and we feel like anybody that we recomend for County Extension Chairman certainly should be able to get a lot of people to support them. So we don't feel like it's an issue whether one can get people and the other can't, so we just recommend that they not

do that.

We, then, the next day or two, I'm not sure. . . We've heard a lot about a resume. I'd like to explain what happened at this point. I think it was on the following Monday. I'll have to back up. It was the following Monday after the interview.

I was discussing something with Mr. King on the telephone. He indicated to me that he had left out some things on his resume and I suggested that he send another one. I didn't feel like at that point that it was a big issue, and I felt like in all fairness, if he had left something out that was significant, that for him to send it in. And that's the basis for this resume.

Okay, on the seventh of April, I came to the County office about 10:30 and I visited with Mr. Koonce, As you recall, he also was an applicant for this position. And I went in and explained to

him that we were not going to recommend him for the position. I feel like that we owe this to our people whenever possible to sit down and talk to those people who are not selected which I did, and told him that he would not be recommended.

I then proceeded to the County Commissioners meeting in the Courthouse and, in an open meeting before lunch, I made a recommendation to the Board of Commissioners that we were recommending Mr. King and Miss Ballinger for the position.

I explained that both of them met the minimum qualifications for this position. And we would support either of the people that they felt like was best suited in their opinion for Warren County. At no time during this or after did I make any sort of preference to the Commissioners as to who we wanted, as Mr. Harris explained that to them this morning.

The only other discussion that took

place before lunch, Mr. Harris told me in the official meeting that Mr. Irvin Smith had met with the Board earlier that morning with a resolution that the Extension Service hire a qualified livestock agent.

I assured the Commissioners that we would not bring a candidate for that position unless he were qualified. To date, we have not hired a livestock agent. I've sent one up here, and he decided he didn't want to come. I have another one interviewing Monday for this position.

The Commissioners adjourned after lunch and then they went into executive session and interviewed Miss Ballinger and Mr. King. I did not participate in that interview. I was present.

There was one question asked me. Mr. Skinner asked me were there other female chairmen and what kind of job that they were doing. I explained to him I thought that there were six, and that I felt their

average performance was equal to the average performance of the male County Chairman in the state, I explained.

They then selected and discussed and selected Mr. King. I proceeded from their office straight to Miss Ballinger's office and explained to her that they had accepted Russell King as County Extension Chairman. That's basically how I recall the process that we went through with this one.

Dr. Clauston Jenkins: Okay, to your knowledge, was there any contact made with the County Commissioners by the Agricultural Extension Service Administration on behalf of one candidate or another between the time that the Commissioners were informed that there were two candidates and the time when they're selected?

Max D. Ballinger, Attorney: I've no objection to his contacting them, but I object to what the County Extension

Service is pretty big... I don't believe he can answer it correctly.

Dr. Clauston Jenkins: I asked to his knowledge.

Mr. J. D. Dodson: To his knowledge. If he has knowledge of it, I'll let him go ahead and answer.

Dr. Hugh Liner: To my knowledge, there was no contact.

Dr. Clauston Jenkins: Okay, did in your discussion of the candidates in the Agricultural Extension Service decision to send forward two candidates or determine which candidates to send forward, did you, did the age of the candidates ever come up as an issue?

Dr. Hugh Liner: To my recollection, it was never an issue. It was never discussed.

Dr. Clauston Jenkins: All right. Changing a little bit from this process, or getting to it a little bit.

You mentioned that Mr. Harris in the

meeting mentioned to you an Irvin Smith and that there was a concern about a livestock agent. Getting a livestock agent. Did you have a meeting with these people in another county?

Dr. Hugh Liner: This meeting that has been discussed I think I can manufacture at this point. Reconstruct it at this point would be a better word.

Dr. Clauston Jenkins: Yes.

Dr. Hugh Liner: Somebody, some livestock agent, it may have been Mr. Smith, I'm not sure, contacted Dr. Black, the Director, about the fact that they did not have a qualified livestock agent in this county and in their opinion, had not had a qualified black livestock agent. I'm sorry; they had not had a livestock agent that had been of the quality that they wanted. That was their concern.

Dr. Dew called me and said Dr. Black has set up a meeting with these people in Louisburg and that he would like for me to

go with him and Dr. Black to that meeting. Now the meeting took place, and I don't remember, maybe I have the date, the 11th of March.

And the jist of this meeting was that the livestock industry was a big industry in this country. They did not feel that they had in the past had adequate leadership from the Extension Service in the area of livestock. And the jist of it was if you cannot send us a qualified livestock agent, they would rather not fill the position.

There was some discussion about County Extension Chairman that peripherated the meeting somewhat.

Some of the people had very kind things to say about Miss Ballinger.

Some of the people had very kind things to say about Mr. King.

On the other hand, the general consensus of this meeting was, we don't care about who you get for the County

Extension Chairman, be it black, white, male, or female. We want a livestock agent in this county. And that's basically how I recall that meeting. The purpose of the meeting certainly was not one to discuss the County Extension Chairman.

Dr. Clauston Jenkins: Okay, thank you for clarifying that point for us.

Now we've had a great deal of testimony about political quote, and I use this in quotes, "about the candidates being told not to politick," and you mentioned that earlier.

Was this in essence a gag order on the people. How do you interpret this?

Dr. Hugh Liner: No, what we told and what we said exactly - or I said exactly the same thing in this county that I said in every other county in which we hire the County Extension Chairman - is that we feel like that this process of selecting the County Extension Chairman is not one

that should be gained by a political pressure group, but rather by leadership ability that has been recognized over the years.

The understanding of the total Extension Service - and that we feel like that through the process that we have, that we can select the best candidate rather than getting involved with a political pressure group - cause we feel like in the long run, that is not good for the Extension Service.

Dr. Clauston Jenkins: Let me turn now to another item.

This article on page 44 of Miss Ballinger's material; the newspaper article stating that Russell King is selected Warren Extension Chairman, as written by Tom Byrd. Could you tell me how that came about?

Dr. Hugh Liner: I brought it with me when I came from Raleigh.

However, when the decision was made,

I made real sure that I gave the envelope that had Russell King's name on it to the Board of Commissioners rather than the one that had Miss Ballinger's name on it. I had two news releases written, or Mr. Byrd had one for each and we, I, was to give the Board of Commissioners or the newspaper a copy of the one that was selected.

Dr. Clauston Jenkins: So at the time you went to the meeting, you didn't know which one was going to selected so you had a news story on each of them?

Dr. Hugh Liner: Absolutely. Had no idea which person it would be.

Dr. Clauston Jenkins: No further questions.

Mr. J. D. Dodson: Do you have questions for this witness?

Dr. Hugh Liner Testified
in Response to Questions of
Max D. Ballinger, Attorney

Max D. Ballinger, Attorney: Do you have

the news story with you on Emily Ballinger?

Dr. Hugh Liner: I do not. I did not keep it, as a matter of fact. I called back to the office a while ago to see if Tom Byrd kept his copy. And his secretary was there and indicated he was on annual leave, but she did not believe that he kept that. However, Mr. Harris and the Board of Commissioners did see that I had two copies because I told them I wanted to make sure I gave them the correct one.

Max D. Ballinger, Attorney: Now with reference to the no-politicking aspect. You spoke of political pressure groups.

You had... It would have been considered insubordination for Miss Ballinger to have politicked for the position, would it not? Based on what you told her?

Dr. Hugh Liner: I suggested that we suggest that no people...

Max D. Ballinger, Attorney: If you could

just answer it yes or no and explain your answer, I would then no where we're going.

Dr. Hugh Liner: Okay, let me explain my answers with regard to insubordination. We would expect not to go out and develop people in support of them in a basis of raising support. Yes sir.

Max D. Ballinger, Attorney: All right. When you realized that there was a political action group afoot in the county, and that Mr. Irvin Smih and others were members of that group, did you not think it would have been fair to Miss Ballinger to have let her let the people speak out in favor of her?

Dr. Hugh Liner: I'm not sure that I've ever realized that there was a political acting group in favor of a candidate.

Max D. Ballinger, Attorney: If I might direct the Board's attention to page nine of your materials there.

And Dr. Liner, I would direct your attention to page nine also, if I might.

And if you scan the article through... there are 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. Ten paragraphs to it. And the first nine paragraphs, first eight paragraphs are in what you might call in advertising attention, interest, desire, and action - AIDA. The first eight paragraphs are in attention-getters, and create interest, and develop desire, and then the ninth paragraph states what the article wants the people that read this article to do. Would you look at that article?

Dr. Hugh Liner: I've read it.

Max D. Ballinger, Attorney: Now is that. Is that not correct?

Dr. Hugh Liner: I wouldn't, I...

Max D. Ballinger, Attorney: Now let me ask you the whole question and then you can read it with that in mind.

Now in the first eight paragraphs, they set out what's about to be done, and then in the ninth paragraph, he says there

are two things.

There are two things: One -

"Do you want a chairperson who knows the needs of the farmers and is trained in Agriculture, or the one who will delegate authority from the office?"

That is aimed directly at Emily Ballinger, isn't it?

Dr. Hugh Liner: I do not say that, I do not read that.

Max D. Ballinger, Attorney: The second point is: Do you want a qualified livestock agent? So now there are only two things.

The article only concerns two things; the first one that he mentions is a man for County Agriculture Agent. Isn't that right?

Dr. Hugh Liner: No, I do not see that it says chairperson. I have female Agricultural Agents. I have two female livestock agents in this district. So I do not see any reference to male of female there.

Max D. Ballinger, Attorney: You had three

applicants being considered here in this county, did you not?

Dr. Hugh Liner: That's correct.

Max D. Ballinger, Attorney: And of the three applicants, how many were trained in agriculture and how many were trained in Home Economics?

Dr. Hugh Liner: None of them were trained in livestock.

Max D. Ballinger, Attorney: But it says right here, it doesn't say anything about livestock, it says,

> "Do you want a chairperson that knows the needs of farmers and is trained in agriculture."

Doesn't say a word about livestock does it?

Dr. Hugh Liner: That's correct.

Max D. Ballinger, Attorney: Are you ready?

Mr. J. D. Dodson: Yes sir.

Max D. Ballinger, Attorney: Now, so the question doesn't, the point doesn't, raise

the issue of a livestock agent, does it?

> "Do you want a chairperson who knows the needs of the farmers and is trained in Agriculture, or one who will delegate authority from the office?"

That would be in favor of one of the two men applicants and adverse to the woman applicant, wouldn't it?

Dr. Hugh Liner: At this point, I do not know, because at this point when this letter was written...

Max D. Ballinger, Attorney: March 24, 1982.

Dr. Hugh Liner: March 24, I believe, ah, that this person that wrote this didn't know how many people had applied for the position so as far as he knew, there could have been applicants outside of this county. So at this point, I don't know that he knew who was the applicants.

Max D. Ballinger, Attorney: Well, if he knew Russell King, he knew how many applicants there were, didn't he?

Dr. Hugh Liner: Not necessarily. We could have had...

Max D. Ballinger, Attorney: Well, Russell King knew, didn't he?

Dr. Hugh Liner: No sir.

Max D. Ballinger, Attorney: Emily Ballinger knew didn't she?

Dr. Hugh Liner: No sir.

Max D. Ballinger, Attorney: How many applicants there were?

Dr. Hugh Liner: Not at that date.

Max D. Ballinger, Attorney: That was after the interviews, is that right?

Dr. Hugh Liner: Well, I would suggest that when this letter was written, this letter came out on Wednesday the 24th. If he mailed it to the...

Max D. Ballinger, Attorney: Now you don't know whether it was mailed or hand-carried, do you?

Dr. Hugh Liner: I'm not suggesting that, and neither do you, sir.

Max D. Ballinger, Attorney: You are

presuming things, aren't you?

Dr. Hugh Liner: Let's assume that he had mailed it. Or let's assume that he had carried it the day before. It is very unlikely that he knew how many applicants there were.

Max D. Ballinger, Attorney: You knew that Emily was not trained in Agriculture, did you not?

Dr. Hugh Liner: Yes sir.

Max D. Ballinger, Attorney: And you knew the other, the two men were trained in Agriculture, did you not?

Dr. Hugh Liner: I think the question was whether did Mr. Smith know the number of applicants that we had at that point when he wrote this article.

Max D. Ballinger, Attorney: I direct your attention to the first paragraph up there of the article and it says:

"To paraphrase Mark Anthony: I come neither to praise the County Extension Department nor to criticize it."

That's what he says, isn't it?

Dr. Hugh Liner: That's what the art... that's what it says, yes sir.

Max D. Ballinger, Attorney: Are you familiar with that little bit about Mark Anthony from the...

Dr. Hugh Liner: Not enough to comment right here. I'm quite familiar with the Agriculture Extension Service.

Max D. Ballinger, Attorney: I believe Mark Anthony said we have come to bury Caesar, not to praise him. Isn't that what he said.

Dr. Hugh Liner: I'm not sure.

Max D. Ballinger, Attorney: And I believe that when he said we have come to bury Caesar, not to praise him, he then proceeded to praise Caesar and not bury him, not bury the thought of him. Isn't that right?

Dr. Hugh Liner: I have no comment on Mark Anthony. I'm not an expert on that. I'm an economist by trade.

Max D. Ballinger, Attorney: This little phrase right here, he then proceeds to really "do in" Miss Ballinger and to do a good favorable job for Mr. Russell King, is that right?

Dr. Hugh Liner: I don't read it that way,sir.

Max D. Ballinger, Attorney: Now you mentioned a meeting March 11th in Louisburg. How did that come to be held at Louisburg?

Dr. Hugh Liner: I don't know.

Max D. Ballinger, Attorney: It wasn't in Warren County. Is that right?

Dr. Hugh Liner: That's correct.

Max D. Ballinger, Attorney: Was Mr. Russell King there?

Dr. Hugh Liner: No sir.

Max D. Ballinger, Attorney: Do you remember that he was not there?

Dr. Hugh Liner: I do.

Max D. Ballinger, Attorney: How do you remember that he wasn't there?

Dr. Hugh Liner: There were 23 people there, and I think I would have recognized him if he had been there.

Max D. Ballinger, Attorney: Now, was Mr. Irvin Smith there?

Dr. Hugh Liner: Don't know the gentleman.

Max D. Ballinger, Attorney: So you wouldn't know whether he was there or not?

Dr. Hugh Liner: No sir.

Max D. Ballinger, Attorney: But at this March 11, 1982, meeting, you said that the three applicants' names were mentioned at that meeting, weren't they?

Dr. Hugh Liner: That's correct.

Max D. Ballinger, Attorney: So that 23 people knew that there were Agricultural Agents being considered along with the Home Demonstration Club people?

Dr. Hugh Liner: It was not mentioned to them how many other applicants.

Max D. Ballinger, Attorney: Those were the only three mentioned, weren't they?

Dr. Hugh Liner: I think they were the

only three mentioned by those people.

Max D. Ballinger, Attorney: And there was no indication that there was anybody else being considered was it?

Dr. Hugh Liner: We did not go into that.

Max D. Ballinger, Attorney: Now, in your discussion with Dr. Jenkins, did you not say that Irvin Smith was one of the organizers of that meeting and that he had to do with contacting your department about having the meeting, setting it up?

Dr. Hugh Liner: I think I said that he or someone from the Livestock Association. I do not know this gentleman.

Max D. Ballinger, Attorney: You didn't say anything about someone from the Livestock Association. You said Irvin Smith, didn't you?

Dr. Hugh Liner: I do not recall what I said at that point. I assume the record would show.

As I recall, I believe that Dr. Dew indicated that Mr. Black said that Irvin

Smith had called him, yes sir, I believe that's correct.

Max D. Ballinger, Attorney: So when a political pressure group developed in support of Russell King, that political pressure group was responsible for your department recommending two people to the county, wasn't it?

Dr. Hugh Liner: Not sure what political pressure group you're talking about, sir.

Max D. Ballinger, Attorney: Well, I'm talking about the group that met in Lewisville and others, Louisburg, and others that were...

Dr. Hugh Liner: We did not look upon that as a political pressure group.

We looked upon that as a group of concerned livestock producers in this county who felt like that they had not received the proper assistance from the Agriculture Extension Service. And they were stating a concern that if we filled that position, that they would like to

have it filled by a qualified livestock agent. And that is the basis of that meeting. And the purpose of the meeting was to get a livestock agent. And it was not one on the purpose of getting a County Extension Chairman. As I stated, one of these people said, "I don't care if the Chairman is black, white, male, or female; we want a good livestock agent."

Max D. Ballinger, Attorney: Now at that time it was planned how this group would get a livestock agent in the county and that was discussed, wasn't it?

Dr. Hugh Liner: Clarify that question just a little bit, please.

Max D. Ballinger, Attorney: Well, I'll ask you specifically. If they did not fear that if Miss Ballinger were made the County Chairman, that a woman might be employed to do some of the work Miss Ballinger had formerly done and...

Dr. Hugh Liner: I'm sorry, I don't think that the point has ever been made clear

here. I don't understand what you're saying. If Miss Ballinger had been appointed County Extension Chairman, that would not have created a vacancy in Home Economics.

Max D. Ballinger, Attorney: Now, By Mr. Cooper's retirement, there was a vacancy in the Agricultural end of it, was it not?

Dr. Hugh Liner: That's correct.

Max D. Ballinger, Attorney: And what was Mr.Cooper's specialty?

Dr. Hugh Liner: Livestock, Administration, Forestry, CRD.

Max D. Ballinger, Attorney: Well, was there any reason why that there should be an uproar for another qualified livestock agent, or did they not consider Mr. Cooper to be qualified?

Dr. Hugh Liner: They did not consider Mr. Cooper to be qualified for that position.

Max D. Ballinger, Attorney: All right now, so they wanted another livestock, they wanted a livestock agent that was

qualified. Is that true?

Dr. Hugh Liner: That's correct.

Max D. Ballinger, Attorney: And you had not indicated you were ready to fill that position for a livestock agent at that time, had you?

Dr. Hugh Liner: Well, at this particular point and time, we did not know what the situation would be. At the 11th of March the vacancy was still open and we could have gotten applications for County Chairman that we didn't even know who they were at that point. We still was open to get applications for that position at that point. So we didn't know. We may have gotten an application from a livestock-trained person. Could have hired that person, we would not have had a vacancy period. We did not know at that point who these people were.

Max D. Ballinger, Attorney: There had been no indication by the state or by the county or by anyone that Mr. Cooper's

position would be filled with anything but a qualified livestock agent, was it?

I did not single him out, nor Mr. Koonce, or Miss Ballinger.

Max D. Ballinger, Attorney: Do you now recognize that there was some politicking going on with reference to the County Chairmanship?

Dr. Hugh Liner: Apparently, there was some support that arose; however, that does not mean that an individual went out and nurtured that support.

Max D. Ballinger, Attorney: Did you encourage the people that were applying to discourage people coming down to see...

Dr. Hugh Liner: I told each of these people the same thing, that we did not expect them to go out and cultivate support.

Max D. Ballinger, Attorney: And they were expected to see that people didn't come down, is that not true?

Dr. Hugh Liner: No sir. I think that is

two different issues. They were expected not to go out and cultivate this support. No candidate for a position can control the clientele of the people. And if someone feels good about a person or maybe feels bad about a person, they're not under the control of these people, and they have the freedom to do that.

Max D. Ballinger, Attorney: Now, but you told Emily Ballinger to discourage people from coming down to the County Commissioners meeting because you didn't want people appearing one way and other people appearing the other way, and then the decision being made and the group that came down on behalf of Miss Ballinger or Mr. King being disappointed or unhappy. Is that right?

Dr. Hugh Liner: I told Miss Ballinger and Mr. King together that I didn't want them to go out and nurture support and bring a group of people before the Commissioners, because I felt, in the long run, That

would be bad for the Extension Service. We do this in each county.

Max D. Ballinger, Attorney: When this support developed, whether Mr. King did it outwardly or benignly or in some other manner, and you saw it develop, you did not free Miss Ballinger to bring people down to the County Commissioners meeting like Mr. Smith had admonished the farmers to come, did you?

Dr. Hugh Liner: I did not see support developing.

I got a copy of this letter, but I do not see that as a political pressure group developing. I see it as an individual writing a letter to the editor which we all have the privilege of doing, and each letter that and each newspaper that we see every day has a dozen of them in there. One person was stating his opinion.

Max D. Ballinger, Attorney: Did you not recommend just one person?

Dr. Paul E. Dew: I think that's on the

record already.

Max D. Ballinger, Attorney: Just answer yes or no, if you would.

Dr. Paul E. Dew: Yes.

Max D. Ballinger, Attorney: You only recommended one person and that was Mr. L. C. Cooper. Is that right?

Dr. Paul E. Dew: That's right.

Max D. Ballinger, Attorney: Did you or Dr. Liner in your presence advise Mr. Russell King that the efforts of Mr. Irvin Smith and Mr. Jim Harris in publicizing their political action, for reference the County Chairmanship, that that might hurt Mr. Kings chances of getting to be County Chairman?

Dr. Paul E. Dew: It has not come to my attention that anyone has acted on behalf of Mr. King. To this point. In any regard.

Max D. Ballinger, Attorney: But you don't know whether they did or did not, do you?

Dr. Hugh Liner: I only know what we've

seen here .

(Conclusion of Dr. Paul Dew's Testimony)

Max D. Ballinger, Attorney: I have no other questions. I would like to ask one question of DR. Liner if I could. I only have one question.

Mr. J. D. Dodson: Can we do that when we come back?

Dr. Clauston Jenkins: No, we can't, go ahead and ask it now, and then we will have closing. Right.

Dr. Hugh Liner Testified
in Response to Questions by
Max D. Ballinger, Attorney

Max D. Ballinger, Attorney: Dr. Liner, do you have a brother here in the county?

Dr. Hugh Liner: Yes, I do.

Max D. Ballinger, Attorney: And did he speak with you about who would be the County Chairman?

Dr. Hugh Liner: He, I think, asked me who was the person in this county going to be?

Max D. Ballinger, Attorney: I ask you if his words were not,

> "Who's going to be the County Chairman, Russell King or that woman?"

Are those not his words?

Dr. Hugh Liner: To my knowledge, that's certainly not what he said.

Max D. Ballinger, Attorney: What did he say? Do you remember?

Dr. Hugh Liner: I don't recall other than him asking who was going to be County Chairman.

Max D. Ballinger, Attorney: All right.

Dr. Hugh Liner: I would like to carry this just a little further if I may. I don't think that my brother would have made the comment like you alleged that he would have made.

Max D. Ballinger, Attorney: Did you tell him..whether the man or the woman would be?

Dr. Hugh Liner: I told him I did not know. I did not know until the Commissioners voted unanimously to select

Russell King.

Max D. Ballinger, Attorney: I have no other questions.

(Conclusion of Dr. Hugh Liner's Testimony)

Mr. J. D. Dodson: Let's try to be back at five

Dr. Clauston Jenkins Addressed the Panel

Dr. Clauston Jenkins: Members of the panel, we have sat in here the better part of a day hearing a case that is very important to the individuals involved and to the Extension Service, but one which has arisen in my view from a complete misunderstanding of what went on.

I think that you have been able to see by the testimony that what Miss Ballinger thinks went on is a nefarious plot didn't really go on at all.

That every instance of what happened can be explained as consistent with the Extension Service procedure and was fair

to her.

The end result of the Extension Services action in this matter was

AFFIDAVIT OF EMILY R. BALLINGER REFERENCE TRANSCRIPT OF GRIEVANCE HEARING TESTIMONY

Filed District Court April 30, 1985

Emily Ballinger, being first duly sworn, deposes and says that she prepared the foregoing transcript of the tape recordings of the Grievance Hearing held in her cause on September 9, 1982, by the Extension Service. The foregoing transcription, contained in two volumes, is a true and accurate transcription of that which was on the tape recordings, and the transcription is consistent with her recollection of the events and testimony at the grievance hearing.

This the 30th day of April, 1985.

s/EMILY R. BALLINGER

Duly verified.

ATTACHMENT A

GRIEVANCE PROCEDURES OF EXTENSION SERVICE

Filed District Court April 30, 1985

April 15, 1977

TO: All employees of the N. C. Agricultural Extension Service

FROM: George Hyatt, Jr., Associate Dean and Director

SUBJECT: Grievance Procedures for the North Carolina Agricultural Extension Service

Effective immediately, the enclosed Grievance Procedures shall become part of administrative policy for the North Carolina Agricultural Extension Service. All employees are urged to file this statement where it can be readily located. Any questions about this policy should be directed to Mr. D. G. Harwood, Jr., Assistant Director, who has been appointed Grievance Coordinator. Note the attached Formal Grievance Filing Form and the Informal Complaint Memorandum Form.

County Extension Chairmen should at the next regularly scheduled staff conference (but before June 1, 1977) conduct an election to determine which non-administrative full-time Extension staff member in that county will become a member of the hearing board pool. (Secretaries and paraprofessionals are eligible to be elected; EFNEP aides are not eligible since they are not full time, and County Extension Chairmen are not eligible because they have administrative functions.) The name of this staff member is to be transmitted to Mr. Harwood in writing by June 1, 1977.

Whereas the North Carolina Agricultural Extension Service does not at present have a formal, complete Affirmative Action Program, it is the policy of Administration to assure equal opportunity for all employees without regard to race, age, sex, handicap, color, national origin, or religion to the full

extent of the law. In the past, employees have sought redress for their grievances only through established supervisory and administrative channels or through other remedies available under the law.

The new policy provides for both informal and formal resolution of grievances. Informal procedure allows a complaint to be filed with supervisors at any level, or directly with the Grievance Coordinator. Formal procedure includes a hearing process with a review of the complaint by an employee's peers. The policy is intended to elicit reliable evidence, narrowed to the issues involved, without calling on formal judicial rules and procedures.

The director's office welcomes suggestions for improvement of this policy at any time.

cc: Chancellor Joab Thomas
Chancellor L. C. Dowdy
Dr. C. L. Jenkins

Dr. L. M. Clark
Dean J. E. Legates
Dean B. C. Webb
Dr. Curt DeVille

GRIEVANCE PROCEDURES FOR THE NORTH CAROLINA AGRICULTURAL EXTENSION SERVICE

EQUAL EMPLOYMENT OPPORTUNITY

100. PURPOSE, APPLICABILITY AND COVERAGE

A. Purpose - These grievance procedures for the North Carolina Agricultural Extension Service establish policies and procedures in employment and personnel management providing for an adequate and fair hearing of grievances for each individual without regard to race, color, age, national origin, handicap, sex, or religion, where the grievance is based upon denial of equal employment opportunity or discrimination.

These procedures relate to all phases of employment for all employees (professional and non-professional) of the North Carolina Agricultural Extension Service regarding all staff positions

regardless of budgetary sources.

B. Applicability - This program applies to the North Carolina Agricultural Extension Service at North Carolina State University, at North Carolina A&T State University, and throughout the state.

C. Coverage - This program applies to all positions in all units of the North Carolina Agricultural Extension Service and to employees provided by county and other political subdivisions in support of Agricultural Extension Service programs. 1/

Employees of the North Carolina Agricultural Extension Service with academic rank are subject to procedures included in the Faculty Handbook. >)

200. ADMINISTRATION

A. Designation of Responsibility - The Director of the North Carolina Agricultural Extension Service has assigned to the Assistant Director who has staff responsibilities for civil rights the duty of coordinating all activities relating to grievance procedures for the North Carolina Agricultural Extension Service. This individual is termed the Grievance Coordinator and shall:

1. Coordinate a system for (a) counseling an aggrieved employee who believes he has been discriminated against, and (b) attempting to resolve informally the matter raised by the aggrieved person.

2. Arrange for the receipt and investigation of individual complaints of discrimination.

3. Arrange for the receipt and investigation of general allegations by organizations or other third parties of

discrimination which are necessary on individual complaints, including any disciplinary action that is warranted when an employee has been found to have engaged in a discriminatory practice.

4. Review the file on any individual complaint, before a decision is made under the complaint procedure, and make any recommendations to the Director that he considers desirable, including any disciplinary action that is warranted by the circumstances.

300. PROTECTION OF COMPLAINANTS, EMPLOYEES, WITNESSES, AND REPRESENTATIVES FROM INTERFERENCE, HARASSMENT, INTIMIDATION AND REPRISAL

All employees shall be free from any or all restraint, interference, coercion, or reprisal on the part of their associates or supervisors in making any complaint or appeal, in serving as representatives of an appellant, in appearing as witnesses, or in seeking

information in accordance with these procedures. The above principles apply with equal force after a complaint has been resolved. Should these principles be violated, the facts shall be brought to the attention of the Grievance Coordinator by the appellant, his representative or the person affected so that appropriate remedial action may be taken.

400. PROCEDURE FOR INFORMAL RESOLUTION OF COMPLAINTS

The Grievance Coordinator is designated to act in an effort to mediate or conciliate informal complaints. However, initially, employees should attempt to resolve informal complaints at the lowest possible supervisory level. Informal complaints may be filed by anyone eligible to file a formal complaint.

If the grievance is not resolved at the lowest level, the grievant may proceed to the next supervisory level and this procedure may be repeated until the

complaint reaches the Grievance Coordinator. Any informal complaint not resolved to the employee's satisfaction by the Coordinator must thereafter be handled through the formal complaint procedures.

When an informal complaint has been received by an immediate supervisor, a memorandum shall be prepared by the supervisor to the Grievance Coordinator. The memorandum should advise him of the complaint, outline the circumstances of the complaint, discuss attempts to resolve the complaint, cite the recommendations of the supervisor, and state the conclusion or recommendation for further action.

All informal complaints will be heard by the immediate supervisor as rapidly as possible and in no more than 30 calendar days after receiving the complaint. If no satisfactory solution can be found for the complainant by the supervisor, the complainant may proceed to the next higher supervisory level.

In any case where the complainant feels that he cannot present his complaint, or would not receive proper consideration of his complaint at the immediate supervisory level, he may, without prejudice, move up the supervisory channel to any higher level or he may take the complaint directly to the Grievance Coordinator.

500. FORMAL COMPLAINT PROCEDURE

This procedure for processing of formal complaints of employment discrimination by the North Carolina Agricultural Extension Service is as follows:

If the informal procedures do not attain a result satisfactory to the complainant or if the complainant has a suitable reason not to follow the informal procedure, he may file a formal complaint, to be submitted in writing and signed. The formal complaint should state concisely the basis for the complaint and

indicate whether the alleged discrimination was based on age, race, color, handicap, national origin, sex or religion. A statement from the complainant describing the conduct complained of with greater particularity may be required as the investigation proceeds.

A. Who May File - A complaint may be filed by any employee of the North Carolina Agricultural Extension Service who believes that discrimination in employment practice in the Extension Service has resulted or will result in discrimination in employment against him. A complaint of general discriminatory employment practices may also be filed by an employee, provided, however, that upon request of the Director, the complainant shall furnish names of individuals who are adversely affected by those practices.

B. Right of Representation - A complainant may designate in writing an

individual or an organization to represent him in the processing of his complaint and is entitled to the advice of counsel at his cost at all stages in the proceeding. If the representative designated by the complainant is an employee of the U. S. Department of Agriculture or of the North Carolina Agricultural Extension Service, such employee, as well as an employee-complainant, shall have a reasonable amount of official time with pay, if he is in pay status, for the purpose of appearing at any hearing on the complaint. The rights and privileges set forth in this paragraph shall also be available to any person whose alleged conduct is the cause of the complaint.

C. Where Filed - All employees who wish for their complaint to be handled under the formal Grievance Procedure of the North Carolina Agricultural Extension Service should file their complaint in writing with the Grievance Coordinator.

Those employees subject to N. C. State University faculty policy and regulations as set forth in the Faculty Handbook (Section VI, Faculty Rights and Responsibilities) must use those policies and should file according to the procedures described therein.

The Grievance Coordinator will investigate the complaint and will act on the case as rapidly as possible and advise the complainant of his decision within 45 calendar days after receiving the complaint. If, upon the Coordinator's decision, the complainant is dissatisfied, he may file with the Director a request for a hearing. Upon receiving the request for a hearing, the Director shall instruct the Grievance Coordinator to convene a hearing as set forth below.

D. When Filed - A complaint shall be submitted within 90 calendar days of the conduct giving rise to the complaint. The Director may extend the time limit for

good cause.

E. Hearing - A complainant filing a formal complaint or the Director may request a hearing which shall be transcribed or recorded. The hearing shall be conducted within 60 calendar days from the date the hearing is requested, during regular working hours in the county where the alleged discrimination occurred, or at a time and place agreed to by the Grievance Coordinator and the complainant. The Grievance Coordinator, the complainant and any person whose alleged conduct is the cause of the complaint shall have the right to call and cross-examine witnesses and offer other evidence. The hearing shall be instituted by the Director and conducted by the Coordinator. Attendance at the hearing shall be at the invitation of the Coordinator, in consultation with the complainant. The Coordinator shall submit to the Director a proposed decision within 30 calendar days of the hearing.

F. Hearing Board - The hearing will be before a hearing board, chaired by the Coordinator.

There shall be established a hearing board pool for each Extension District. The hearing board pools shall consist of one member elected by each county staff within the district from non-administrative full-time Extension employees, and five members appointed by the Director in consultation with Assistant Directors of Extension (with the Director attempting to reflect age, race, handicaps, sex, color, national origin, and religious differences in composition of the pools).

The hearing board will consist of the Grievance Coordinator and four members, with four alternates, randomly selected by the Grievance Coordinator from the pool for the district from which the complaint arises. A vice chairman will be appointed by the Grievance Coordinator. The

complainant shall have the right to reject any randomly drawn member of the pool to the extent allowed by the total membership of the pool. An individual member of the hearing board shall disqualify himself when he has a conflicting interest in the situation leading to the complaint.

The hearing board will in the process of hearing the complaint determine, based upon the facts presented:

1. Whether there exists sufficient justification for the complaint to proceed to a formal hearing.

2. Whether there exists, at any time during the hearing, sufficient justification to proceed through to completion of the hearing.

3. A decision in the matter of the complaint with respect to a recommended solution, disposition or action.

In order to help insure that institutional time is not expended needlessly on insubstantial or

unsupportable contentions, the hearing board must establish that "probable cause" exists to believe impermissible discrimination occurred; establish a "prima facie" case of that occurrence, which is grounded in proven fact; and find that the balance of evidence concerning the occurrence remains convincing even when refutation is offered.

After the conclusion of the hearing, the hearing board will prepare a report for the Grievance Coordinator to submit to the Director.

G. Action by the Director - Upon receiving the report of the hearing board, the Director will review the entire file on the complaint, including the transcript of the hearing, if a hearing was held. He shall approve the proposed decision, or remand to the Grievance Coordinator for further action specified by the Director, or otherwise dispose of it within 30 calendar days of its submission to him,

and notify the complainant, in writing, of the decision or disposition of the complaint.

600. APPEAL PROCEDURES

Within 30 calendar days of notification of the disposition of the complaint by the Director, or within 30 calendar days of any refusal of the Director to accept a complaint or to act on a complaint in accordance with the program, the complainant may request a review by the Chancellor. Any request shall be in writing. The Director, upon request by the Chancellor, shall furnish to the Chancellor the complete file, including the transcript of any hearing together with whatever other information the Chancellor requests. The Chancellor will review the file on the record to determine if there is substantial evidence on the record as a whole to support the decision of the Director. The decision of the Chancellor shall be in writing and

shall be sent to the Director for appropriate action within 60 calendar days of receipt of the complaint. A copy of the Chancellor's decision shall also be furnished the complainant.

700. FURTHER APPEAL

Pursuant to Section 501.C (4) of The Code of the University of North Carolina, employees may appeal a grievance to the President and the Board of Governors. Appeals to this level are transmitted through the Chancellor.

800. REPORTS

Within one year of the effective date of this policy and annually thereafter, the Director will prepare a report summarizing implementation and operation of the policy.

900. MAINTENANCE OF RECORDS

All documentation, records and reports will be retained for a minimum of two years. These records will be subject to review by the grievant, the Director,

the Chancellor, and the President of the University or his designee.

RESUME EMILY R. BALLINGER

Filed District Court April 30, 1985

EMILY R. BALLINGER
Home Economics Extension Agent
Box 663
Warrenton, North Carolina 27589

Telephone: (919) 257-3284 Home
(919) 257-3640 Office

PERSONAL DATA:

Date of Birth:	December 3, 1926
Height:	5'9"
Weight	160
Marital Status:	Single
Health:	Excellent

EDUCATION:

Bachelor of Science - Home Economics (Teacher Training) May 1948, Womans College of the University of North Carolina, Greensboro, N. C. (Now UNC-G)

Master of Education May 1971, North Carolina State University, Raleigh, N. C.

Additional Course Work - 1973 and

1978, North Carolina State University, Raleigh, N.C.

EMPLOYMENT RECORD:

Home Economics Extension Agent, Warren County, Warrenton, North Carolina September 1, 1951 - present.

Areas of responsibility: Clothing; Family Resource Management; Foods and Nutrition and Liaison Agent for Extension Homemaker program.

Supervise four EFNEP Aides and have been responsible for this program since it was started in Warren County in 1969.

Throughout the years in Warren County, I have worked closely with the Extension Homemaker Program. I helped organize Community Development Clubs in the county and worked very closely with that program for a few years. Until about four years ago, I was assigned to spend one-fourth of my time with the 4-H program. Since then, I have continued to work with the youth program in my areas of responsibility.

Assistant Home Demonstration Agent, Forsyth County, Winston-Salem, North Carolina, September 1, 1948 - August 31, 1951. Worked with 4-H club and Home Demonstration Club Program. Helped in starting one of the first long range planning programs in the state - "Forsyth Faces The Future" 1950-51.

Dietitian at Roanoke Island Camp Inc. (4-H Camp) Manteo, North Carolina, June - August 1948.

Home Demonstration Trainee Agent, Caswell County, Yanceyville, N. C. June 1 - August 15, 1947.

Typesetter, Ruzicka Bookbinders, Greensboro, North Carolina May 1943 - September 1944, summer and Christmas holiday work; three years.

PROFESSIONAL ACTIVITIES:

- National Association of Extension Home Economists Distinguished Service Committee 1978.

- Attended 15 National meetings

North Carolina Association of

Extension Home Economists

- Treasurer 1970
- President Elect 1974
- President 1975
- Counselor 1976
- Attended 32 State meetings

District Association of

Extension Home Economists

- Vice Chairman 1957
- Chairman 1958
- Treasurer 1969

North Carolina Federation of

Cooperative Extension Associations

- Executive Board 1975
- Treasurer 1980

American Home Economics Association

North Carolina Home Economics Association

- Program of Work Committee 1976
- Membership Committee 1978-79

Epsilon Sigma Phi

- analyst 1966

Phi Kappa Phi

North Carolina Adult Education Association

RELIGIOUS AND CIVIC ACTIVITIES:

Member First Lutheran Church

Member Farm Bureau

Member N. C. State 4-H Honor Club

- Secretary 1950

- President 1962

Have served on committees and boards of the following:

T. B. and Health Association;

American Cancer Society; Heart Association;

Society for Crippled Children;

American Red Cross; and

Hospital Auxiliary

HONORS:

National Home Demonstration Agents Association Distinguished Service Recognition, 1960

Extension News "We Salute"

Who's Who in America, 1976

Invited to attend President's White House

Conference in Knoxville, Tennessee, 1975

ADDITIONAL INFORMATION:

4-H Club Member - 6 years

State 4-H Dress Revue Winner - 1944

Academic Training

Prior To Starting Master's Degree Program

1954

Ag. Ext. 301	Extension Teaching Methods	
Hort. Ext. 342	Landscape Gardening	
Ag. Ext. 302	Information Media	
H. Ec. 586	Furnishings for Contemporary Living	

Academic Training For Master's Degree

ED 503	Extension Program Development	
3 Credit hours		Grade A
ED 403	Family Economics	
3 Credit hours		Grade A
ED 600	Theory of Organization and Administration of Adult Education I	
3 Credit hours		Grade A

ED 601 Theory of Organization and Administration of Adult Education II

3 Credit hours Grade A

ED 596 Top Problems in Adult Education

3 Credit hours Grade A

Soc. 590 Applied Research

3 Credit hours Grade A

Soc. 502 Society, Culture and Personality

3 Credit hours Grade A

Soc. 501 Leadership

3 Credit hours Grade A

ED 699 Research

3 Credit hours Grade S

ED 699 Research

3 Credit hours Grade S

ED 596 Top Problems in Adult Education

3 Credit hours Grade S

Master of Education, May 1971

Academic Training Beyond Master's Degree:

ED 559 Learning Concepts and Theories Applied to Adult and Community College Education

3 Credit hours Grade A

ED 538 Instructional Strategies in Adult and Community College Education

3 Credit hours Grade CS

REFERENCES:

Dr. E. J. Boone
Assistant Director, Staff Development
117 Ricks Hall
N. C. State University
Raleigh, North Carolina 27650

Mrs. Ada Dalla Pozza
State Agent, Home Economics
103 Ricks Hall
N. C. State University
Raleigh, North Carolina 27650

Mr. L. B. Hardage
Route 1, Box 164
Palmer Spring, Virginia 23957

Mrs. James C. Harris
Route 3, Box 107
Warrenton, North Carolina 27589

Mr. C. P. Pope
Route 2, Box 268
Macon, North Carolina 27551

AFFIDAVIT OF EMILY R. BALLINGER

Filed District Court April 30, 1985

EMILY R. BALLINGER, being first duly sworn, deposes and says:

1. I am the plaintiff in this lawsuit. I have worked for the Agricultural Extension Service in North Carolina for over 33 years. I am generally aware of the practices and procedures of the Extension Service. I know of my own knowledge that prior to the early 1970's it was the practice of the Extension Service to appoint the senior white male Extension agent in a county to the position of county chairman, or its equivalent, when vacancies occurred.

2. In the memorandum which is being filed by my attorney in response to the defendants' motions for summary judgment, there are references to and allegations concerning my experience and work in Warren County as contrasted with that of Mr. King. As to all such references and

allegations, I know them to be the truth and based upon my own personal knowledge of my supervisory responsibilities, the leadership I have demonstrated, and my success in providing meaningful programs to all citizens of the county without regard to race, sex, creed, or color.

3. There have been allegations raised during these proceedings of statements attributed to Bertha Forte (black) and Edith Clark (white) about my abilities to get along with people, and to provide meaningful programs to all citizens, particularly blacks. I am at a loss to explain why Mrs. Forte would have said such. She and I worked together for years in Extension, and I always felt we got along well. As for Mrs. Clark, she worked under my direction and supervision for 14 years. Near the end of our association, it was necessary for me to reprimand Mrs. Clark for her performance, and she expressed resentment for my

correcting her. Particularly, I know that Doctor Liner was aware of this fact.

4. I have appended hereto as attachment A, a copy of the Grievance Procedures established by the Extension Service.

5. The remaining attachments relate to my work in the Expanded Foods and Nutrition Education Program and are indicative of the fact that my work performance was not found lacking, notwithstanding the allegations of the defendants which have surfaced in this proceeding.

This is the 30th day of April, 1985

s/EMILY R. BALLINGER

Duly verified

SETTLEMENT AGREEMENT AND GENERAL RELEASE

(Filed in Court of Appeals as part of Appendix)

STATE OF NORTH CAROLINA

COUNTY OF WARREN

THIS SETTLEMENT AGREEMENT AND GENERAL RELEASE is made and entered into by and between Emily Ruth Ballinger ("Plaintiff") and Warren County, the Warren County Board of Commissioners, W. J. Harris, Clyde R. Edwards, William T. Skinner, III, Herbert C. Harris, George E. Shearin, Sr. and Glenwood Newsome ("County defendants").

WITNESSETH:

WHEREAS, the Plaintiff has filed two (2) Charges of Discrimination against the County defendants (Charge Nos. 018820850, dated October 14, 1982 and 018830358, filed March 11, 1983); and

WHEREAS, the Plaintiff filed a Complaint against, inter alia , the County defendants on March 8, 1984 in the United States District Court for the Eastern District of North Carolina (Civil Action No. 84-193-CIV-5) (the "lawsuit"); and

WHEREAS, the Plaintiff and the County defendants desire to settle fully and

finally all differences between them relating to or arising from the claims and assertions made in Plaintiff's two (2) Charges of Discrimination and the Plaintiff's lawsuit;

NOW, THEREFORE, in consideration of the premises and mutual promises herein contained and the monies to be paid to the Plaintiff, it is agreed as follows:

1. Payment. Upon the full and final execution of this Settlement Agreement by all parties hereto, and the satisfaction of the conditions set forth in Paragraph 2, infra, the defendant Warren County will pay the Plaintiff the sum of Thirty-Five Thousand Dollars ($35,000.00) compensatory damages (not back pay or other pay). This payment of Thirty-Five Thousand Dollars ($35,000.00) is accepted by the Plaintiff and her attorney, Max D. Ballinger, in full and final satisfaction of and in release and discharge of any claims for damages (of any nature whatsoever), costs

and attorney's fees against the County defendants which the Plaintiff and her attorney might now have.

2. Dismissal of Lawsuit and Withdrawal of EEOC Charge. Upon the execution of this Agreement by all parties hereto, the Plaintiff and the County defendants, through their respective legal counsel, shall file a Stipulation of Dismissal with prejudice as to the lawsuit. A copy of the Stipulation of Dismissal with prejudice to be filed is attached hereto as Exhibit A.

Also, upon the execution of this Agreement by all parties hereto, the Plaintiff shall withdraw (as to the County defendants), the EEOC Charge of Discrimination (Charge No. 018830358) which remains pending. Plaintiff shall provide counsel for the County defendants with a copy of a letter from the EEOC acknowledging the withdrawal of the Plaintiff's pending EEOC Charge of

Discrimination as to said County defendants.

The parties agree that the dismissal of the Plaintiff's lawsuit and the withdrawal of the pending EEOC Charge (Charge No. 018830358) are conditions precedent to the enforceability of the remaining provisions of this Settlement Agreement and General Release.

3. Reservation of Rights by Plaintiff. All parties hereto acknowledge and agree that this Settlement Agreement And General Release is not intended to affect any rights which the Plaintiff may have to pursue an appeal of the May 22, 1986 United States District Court's dismissal of her claims against North Carolina State University, the North Carolina Agricultural Extension Service, Hugh L. Liner, Chester D. Black, Paul E. Dew, Russell C. King andd Bruce R. Poulton.

4. General Release. For and in

consideration of the payment of the sums required hereunder, the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Plaintiff does hereby irrevocably and unconditionally release, remise, acquit and discharge Warren County, the Warren County Board of Commissioners and also W. J. Harris, Clyde R. Edwards, William T. Skinner, III, Herbert C. Harris, George E. Shearin, Sr. and Glenwood Newsome (each individually and in their official capacities), as well as the successors (elected or otherwise), assigns and representatives of such persons, associations or entities, jointly and individually, of and from any and all claims, demands, causes of action, damages, costs, attorney's fees or liabilities, whether known or unknown, arising from the allegations of unlawful employment discrimination which were

contained or could have been contained in the plaintiff's EEOC Charges of Discrimination or arising from the allegations against the County defendants which are asserted or could have been asserted in the lawsuit filed against the County defendants by the plaintiff in the United States District Court for the Eastern District of North Carolina (Civil Action No. 84-193-CIV-5).

5. Future Vacancy in Chairmanship Position. If the Warren County Extension Chairman's position should become vacant in the future and if the Plaintiff should apply for such position and be the sole nominee recommended to the Warren County Board of Commissioners by the North Carolina Agricultural Extension Service, then the Warren County Board of Commissioners agrees to accept such recommendation that Plaintiff be the County Extension Chairman.

If the Warren County Extension

Chairman's position should become vacant in the future and if the Plaintiff should apply for such position and be recommended by the North Carolina Agricultural Extension Service along with another person or other persons for the position, then, under such circumstances, the Warren County Board of Commissioners agrees to select the County Extension Chairman without regard to the race, sex, national origin, age or religion of the nominees.

6. No Admission of Liability. The Plaintiff understands and agrees that the consideration recited herein is to be paid by the County and accepted by the Plaintiff in full and complete settlement and compromise of disputed claims, the validity of which are denied by the County defendants and that the payment of such consideration is not considered an admission of liability by any of the County defendants.

7. Severability. The provisions of

this Agreement are severable, and if any part of the Agreement is found to be unenforceable, the other paragraphs shall remain fully valid and enforceable.

8. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the assigns, heirs, executors and administrators of the Plaintiff and the predecessors, successors (elected or otherwise), and assigns of the County defendants.

9. Entire Agreement. This Settlement Agreement and General Release sets forth the entire agreement between the parties hereto, and fully supersedes any and all prior agreements or understandings between the parties hereto pertaining to the subject matter hereof.

This 8th day of September, 1986

s/Emily Ruth Ballinger

s/Max D. Ballinger
Attorney for Plaintiff

s/Eva M. Clayton, Chairperson
of Warren County Board of

Commissioners

Warren County Board of Commissioners

s/Eva M. Clayton, Chairperson
of Warren County Board of
Commissioners

s/W. J. Harris

s/Clyde R. Edwards

s/William T. Skinner, III

s/Herbert C. Harris

s/George E. Shearin, Sr.

s/Glenwood Newsome

s/Charles T. Johnson, Jr.
Attorney for County defendants

s/Cecil W. Harrison, Jr.
Attorney for County defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

Civil Action No. 84-193-CIV-5

EMILY RUTH BALLINGER,

Plaintiff

vs.

WARREN COUNTY; BOARD OF WARREN COUNTY COMMISSIONERS; W. J. HARRIS, Individually and as Warren County Commissioner; CLYDE R. EDWARDS, Individually and as Warren County Commissioner; WILLIAM T. SKINNER, III, Individually and as Warren County Commissioner; HERBERT C. HARRIS, Individually and as Warren County Commissioner; GEORGE E. SHEARIN, SR., Individually and as Warren County Commissioner; and GLENWOOD NEWSOME, Individually and as Warren County Manager, as Agent of the Board of Warren County Commissioners and as Agent of Warren County,

Defendants

STIPULATION OF DISMISSAL
(With Prejudice)

NOW COME Max D. Ballinger, as attorney for Plaintiff, and Charles T. Johnson, Jr. and Cecil W. Harrison, Jr.,

as attorneys for the Defendants, and stipulate and agree to a dismissal with prejudice of the Complaint filed herein against the defendants Warren County; the Board of Warren County Commissioners; W. J. Harris, Individually and as Warren County Commissioner; Clyde R. Edwards, Individually and as Warren County Commissioner; Herbert C. Harris, Individually and as Warren County Commissioner; William T. Skinner, III, Individually and as Warren County Commissioner; George E. Shearin, Sr., Individually and as Warren County Commissioner; and Glenwood Newsome, Individually and as Warren County Manager, as Agent of the Board of Warren County Commissioners and as Agent of Warren County.

Each party shall bear its own costs.

This 8th day of September, 1986.

STIPULATED AND AGREED TO:

s/Emily Ruth Ballinger

s/Max D. Ballinger
Attorney for the Plaintiff
Post Office Box 8104
Greensboro, North Carolina 27419-8104
Telephone: (919) 294-3387

s/Charles T. Johnson
Post Office Box 646
Warrenton, North Carolina 27589
Telephone: (919) 257-3748

POYNER & SPRUILL
s/Cecil W. Harrison, Jr.
Post Office Box 10096
Raleigh, North Carolina 27605-0096
Telephone: (919) 783-6400

Attorneys for Defendants

42 USC 1985

Section 1985. CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS

Preventing officer from performing duties

(1) If two or more persons in any State or Territory conspire to prevent, by force , intimiuation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from

discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

Obstructing justice; intimidating party witness, or juror

(2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of having so

attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Depriving persons of rights or privileges

(3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving,

either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be

done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen or the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

R. S. section 1980